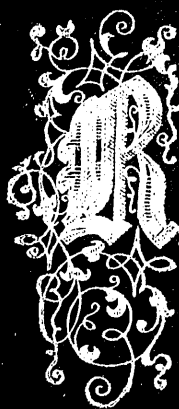


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ספר עיקרי דר'ים



RABBINICAL DIALECTICS.

A  
HISTORY

OF THE

Dialecticians and Dialectics

OF THE

MISNAH AND TALMUD.

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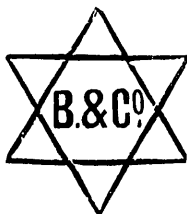
MISHNAH AND TALMUD,

BY

AARON HAHN,

II

*Rabbi of the Tifereth Israel Congregation, Cleveland, Ohio.*



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## PREFACE.

The nineteenth century has seen much zeal and activity displayed in the field of Jewish science.

The sea of Jewish literature has been crossed in all directions, and in the diving bells of inquiry pearls of knowledge have been elevated and deposited in monthlies, pamphlets, and special works on history, philology, philosophy, archæology, poetry, Hagada, zoology, botany, mineralogy, mathematics, jurisprudence, ethics, etc.; but, the sea of Jewish literature being too vast, a great many branches are entirely neglected and unnoticed.

Actuated by the desire to contribute our scientific mite to the great fund of Jewish science, we are endeavoring to have published a series of small volumes on subjects of Jewish science not treated as yet in any modern language.

We begin the series with "The Rabbinical Dialectics," ספר עוקרי הרים Oker Horim is the Talmudical term for a dialectician.

Being the first book on Rabbinical Dialectics ever written from an historical standpoint, with plain examples where elucidation is necessary, and covering the whole ground of the subject, it must be welcome to all interested in the internal development of post-biblical Judaism.

Putting our trust in God, and in all who are interested in the science of Judaism, we hope that our endeavor to bring to light precious metals from the mines of Jewish literature will be crowned with success.

We render our best thanks to "the Father of the Union of the American Congregations" and of "the Azileh Beneh Israel College," Rev. Dr. I. M. Wise, who, having read the manuscript, was kind enough to recommend it to the publisher.

THE AUTHOR.

CLEVELAND, O., Chol Hamoed, Succoth, 5639.

## THE INTRODUCTION.

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A proper study for all interested in the internal development of Judaism is the Dialectics of the Talmud.

People not familiar with the history of the Talmudical Dialectics must consider the whole difference between the Sadducees and the Pharisees, the Caraites and the Rabbinites, the Judaism of the Prophets and the Judaism of the Middle Ages, a work brought about by the Rabbis according to their whims, vagaries and pleasure, but by the light of the history of Rabbinical Dialectics that difference is an evolution from the Mosaic Law.

רבי יהושע הלוי אומר אפילו מה שתלמוד וותיק  
עתיד להורות לפני רבו כבר נאמרה הלכה למשה  
מסיני Yerus. Peah. II.

The study of Dialectics is important, because Jewish ministers, no matter how great their scholarship may be in the Bible, in history, in philosophy, in homiletics and in philology, are not capacitated to be Rabbis unless they are versed in the application of the Rabbinical Dialectics to hermeneutic and halachic purposes.

Gentiles, to whom the Dialectics of Hillel, Ismael, Akiba, Elieser, Abaji, Raba and others is a *terra incognita*, can not but have very paltry and deficient notions about the traditional progressive Judaism.

The Bible, until its canonization, was, as it were, a living and growing code, and could easily, when the advanced culture, the social relations and other circumstances made it advisable, be altered by the authorities of the age, but after the canonization of the Bible, when its words and



letters were counted, when a great many knew the whole Law by heart, and would have condemned the slightest alteration as a blasphemy,—then it was possible only by means of Dialectics to ingraft progressive ideas upon the stem of the Written Law.

The Dialectics was also the most effective means in the unification of the Sadducees and Pharisees.

All innovations of the Pharisees were considered by the Sadducees heresies, unfounded in the Bible; but the conclusive force of Hillel's Dialectics convinced them that many things, though not explicitly and plainly taught in the Bible, can be derived from it by the application of Dialectics, and may be fully in conformity with the spirit and tendency of the Bible and the orthodoxy of its authors; nay, the Sadducees were also convinced that, without the application of the Dialectics, many Biblical passages were unintelligible and many religious practices unaccountable.

#### THE ORIGIN OF THE DIALECTICS.

The orthodox Israelites believe in the divine origin of the Talmud; they do not believe that the wording of the Talmud is divine, but they hold that the dialectical rules and principles underlying the Talmud are divine, and the view that the Talmud is merely of an historical origin is to them a heterodoxy. This question engaged considerably the attention of the Israelites several years ago, when Rabbi Hirsh, of Frankfort-on-the-Main, attacked the late Dr. Zacharias Frankel, of Breslau, for having accounted for the origin of the Talmud by historical events. This controversy was concomitated by much aspersion and partisanship, and all the efforts of Rabbi Hirsh and his party-friends to prove the divine origin of the Talmud could not but confirm every rationalist in the conviction that the divinity of the Talmud was a matter of belief overcome by the scientifically-educated rabbis.

It is a fact that Hillel laid down seven, Ismael thirteen, and Rabbi Elieser thirty-two dialectical rules. If all these rules had already been delivered to Moses, then why did not

Hillel mention them all? This question was often put and answered from a mystical and dogmatical standpoint, but never from an historical one. An historical point in view was something so strange to the rabbis of the Middle Ages, and so far above their horizon, that they never accounted historically for anything of that kind. Rabbi Simon, of Chinon, writes that Hillel knew well of all the dialectical rules of Ismael and Elieser, but he would mention only such as were of practical use for his age.

A specimen of the unhistorical mode of explanation the rabbis of the old school indulged in is that by Rabbi Eliah, of Wilna, one of the greatest Talmudists of his age: "The seven rules of Hillel respond to the word 'covenant,' which is mentioned seven times with Noah; the thirteen rules of Ismael respond to the same word, mentioned thirteen times with Abraham; and the thirty-two rules of Rabbi Eliezer respond to the thirty-two "*paths*" taught in the Cabala."

It is unquestionable that some of the dialectical rules are of a very remote past, as may be inferred from the expression, Halacha Le Mosche Mesina, "the Sinaic Traditions of Moses."

הלכה למשה מסיני שיש לפרשו כמו הלכה למשה  
מסיני עמון ומואב מעשרין מעשר עני בשביעית  
שאינה אלא כלומר דבר ברור כהלכה למשה מסיני  
Rab. Asher Hil. Mikw. I.

The Mishna contains a great many halachas about jurisprudence, offerings, and leprosy, which it established by means of dialectical rules.

Halachoth of that kind were established when they were yet wants of the time, while Hillel's age was the juncture, when such halachas became almost a matter of the past.

It seems that the maxim of deriving laws by analogy must be done traditionally.

אין אדם דן גזירה שוה לעצמו אאכ קבלה מרבו  
was prevalent at the time when Hillel argued before the sons of Bethyra; otherwise people would not have asked

for traditional proofs, and would have been satisfied with the validity of his analogy.

According to the Talmud many a crime committed by the generals of David was palliated by means of Dialectics.

Synhedrin 49. עמשה אכין ורכין דרש

Rabbi Sherira Gaon thinks that even in the remotest past the Jews had a Talmud, which differed from ours only in the wording, the arrangement and the compilation, but was, like ours, brought about by the Dialectics we call Rabbinical.—Iggereth Sherirja Gaon 20–21 Editio Goldberg.

#### THE JEWISH DIALECTICIANS AND THE GREEK SOPHISTS.

The term “sophist” meant in its original adaptation a savant, and did not savor of the ill-repute it became identified with after the Persian wars, when, under Athens’ supremacy, the laws of Solon were superseded by a licentious democracy, and when sensuality, luxury and other vices prevailed and corrupted the manners of the Greeks. At those times only he might expect to become influential and powerful who could command the charms of deceptive eloquence; and the sophists, seeking popularity, riches and success, did not shrink from recommending, defending and carrying through anything, no matter how foul, how detrimental and how preposterous, provided it secured them their selfish designs and egotistic objects. The spread of the ethics of Socrates put a stop to the maxims of the sophists, and it was Socrates’ immortal merit that exposed and laid bare the fallacy of the sophists.

Sophistry of that kind and to the extent which it prevailed among the Greeks could not flourish among the Israelites, where the most successful and most expert sophist could expect to have scope only within the limits of the prophetic ethics. Hence, Akiba, Mair, Raba and others were certainly men unstained by corruption, men of great integrity, disinterestedness and humanity. The Rabbis Akiba, Ben Asai, Ismael, Mair, Symmachos, and others were familiar with the Greek language and philosophy, but it is hard to ascertain what they adopted from the Greek sophistry.

There is a striking similarity in the sophistry of Rabbi Josuah ben Chananja and of Dyonidisor, in the definition of words by Akiba and Prodicus, and in the all-proving and all-disproving methods of Rabbi Mair and of Gorgias.

The Greeks studied Dialectics in order to train the intellect, to discover the criterions of truth, to be able to distinguish between essentials and casualties, and to draw syllogisms from experience and facts;—but to the Rabbis the Dialectics was the contents of the methods of interpretation of the Law and of legalizing views and principles which otherwise would have been considered mere exotics.

Sophistry was a prerequisite for recommendation to a seat in the Jewish Senate. Synhedrin 17.

אין מושיבין בסנהדרין אלא מי שיודע לטהר את  
השרץ מן התורה

#### THE RABBINICAL TERMS FOR DIALECTICIANS.

A term is no meaningless sound; it conveys to man's mind a certain idea, it designates a certain phase in the development of a subject, or commemorates a certain event. The great number of terms for dialecticians expresses the variety of subjective modes of the application of the Dialectics. The Jewish dialecticians, not being restricted by any authority, vied with each other in the display of the acuteness and the brilliancy of their intellect, and thus, by straining their intellect in their respective spheres, they augmented the stock of Dialectics with original methods.

ארכילסטיקות Arch-scholastic, Rabbi Josua ben Chananja. (Midr. Genesis).

איל נוגה a butting ram, Rabbi Akiba. (Sifri, Chucchoth).

בכור שטן the Satan's first-born, Ben Dosa's brother. (Yebam. 16).

בעלי תריסין (Berachoth 27) Rabbi Gamliel's collegiates.

דורשי רשומות Dialectical interpreters. Pesachim 54 55.

דורשי חמורות Dialectical interpreters. Sefri Ekebh.

חמיסין סרמיטין תורמיסין the Sophists. Ketuboth 16.

חריף "the sagacious." Berachoth 59.

טובינא דחכימא the disciples of Rabbi Akiba. Ketub 40.

מוזיק an analyzer. Barach 6.

מפולפל a dialectician.

משה a second Moses. Chulin 93.

עוף פורח a flying bird. Succoth 28.

עורבא פרח a flying raven. Chulin:

עוקר הרים an uprooter of mountains. Berach 28.

צפיר העיזים the he-goat. Rabbi Joseh Haglili.

צורבא a precocious dialectician.

קרח a ram. Rabbi Akiba.

שיננא the acute. Rabbi Jehuda ben Jecheskel.

שידא the demon. Yonathan ben Usiel. Pesachim 110.

חברא a dissector. Sabbat 92.

חנינא the snake, a collegiate of Abaji. Kidushin 29.

תלמיד וותיק a dialectician. Symmachos. Erubim 13.

Most of these terms are figurative expressions used by those who were struck at first by the peculiarity of the method of the respective men, and later these terms were used to designate a turn of mind or the respective method.

Several of these terms are expressive only of the sentiments and prejudices of the individual who first uttered them.

The great number of expressions for dialectician is indicative of the great attention given at that time to the study of Dialectics and of the large field it occupies in the Talmud.

Some rabbis found a pleasant pastime in the ingenious application of Dialectics. Specimens of dialectical amusement are in the Hagada of Passover, where the Rabbis dispute about the number of plagues which came over the Egyptians.

## THE LITERATURE OF THE DIALECTICS.

Up to Saadja Gaon (892-942) no special book had been written on the Rabbinical Dialectics. There was no need of it. The students entered upon the study of the Talmud with the presupposition that not manuals, but a diligent and repeated study of the Talmud itself, could make of them Talmudical scholars. Dialectical outlines like that specimen in the Halachoth Gedoloth, 53 הלכות קצובות served only halachic purposes.

In the age of Saadja Gaon the metaphysics made also an impression upon the methods of the study of the Talmud. Philosophically-trained rabbis tried to be methodical also in the study of the Talmud, and that gave an impulse to write special books on Rabbinical Dialectics.

The seven dialectical rules of Hillel are mentioned in the Tosefta Syhedrin, 7; in the Pirke by Rabbi Nathan, 37, and in the introduction to the Torath Cohanim.

The thirteen rules of Rabbi Ismael are mentioned in the introduction to the Torath Cohanim, but the thirty-two rules of Rabbi Elieser Haglili are scattered in the Talmudical writings. Samuel Hanagid (born 993) is the first of whom we know had collected them in his Dialectics Meboh Hatalmud, which forms the introduction to the Babylonian Talmud.

Dialectical books written in the Rabbinical idiom are :

דרכי התלמוד by Saadja Gaon.

מבוא התלמוד by Samuel Hanagid.

סדר עולם by Moses Maimon.

ספר כריתות by Simon Chinon.

דרכי הגמרא by Isaac Campanton.

הליכות עולם by Josua ben Levi.

כללי הגמרא by Joseph Caro.

כללי שמואל by Samuel Sidilo.

כללי בצלאל by Rabbi Bezalel.

שארית יוסף by Joseph ben Virga.

יבין שמועה by Samuel Algasi.

הליכות אלי by Samuel Algasi.

גופי הלכות by Samuel Algasi.

יד מלאכי by Malachi Montipaskoly.

תחילת חכמה by Jacob Chagis.

דרכי המשנה by Jacob Chagis.

לקט יוסף by an anonym.

מדות אהרן by Abraham Ibn Chajim.

קרנן אהרן by Abraham Ibn Chajim.

פירוש רש"י by Rabbi Salomon Jizchaki in Kobak's  
Ginse Nistaroth, I.-II.

פירוש ר'אב"ד by Abraham ben David Pashkiro.

נתיבות עולם by Hirsch Kanzelnbogen.

דרך תבונות by Moses Hajim Luzzato.

כוורי השני by David Nieto.

מלא הרועים חלק שני by Jacob Hirsh Yalish.

מצות השם by Baruch Heilprin.

משיב דבר by Jacob Reifmann.

תלפיות by Mordechai Plongian.

פירוש by Eliah Wilna.

אבן ציון by Elieser Efrothi.

קורא באמת by Seligman B. Bamberger.

דרכי השנויים by Samuel Waldberg.

The different commentaries on the Mishnah and Talmud, and the Rabbinical responses, contain a great many very interesting remarks and explanations on the Rabbinical Dialectics.

The critical commentator of the Alfasi, Rabbi Serachja Halevi, of Girondi, called Baal Hamoor, wrote, in imitation of the thirteen rules of Rabbi Ismael, a book—**הצבא**

**ספר**—on thirteen dialectical rules for the study of "The Oral Law." It was published with annotations by Rabbi Moses ben Nachman. (Zolkiew 5573.)

The best dialectical books are very useful and instructive for well-read Talmudists, but a beginner, except by obtaining some explanations on dialectical rules, can not profit much by their perusal or study.

A catalogue of all Halachic and Hagadic works on Dialectics was composed by Dr. A. Jellinek, Wien, 1878: **קונטרס הכללים והמגיד**.



## I.

### *The Dialectics of the Tana'im.—The Teachers of the Mishna Epoch. (37-250 A. C.)*

#### HILLEL.

Hillel, a descendant of the royal family of David and a native of Babylon, was educated in the college of Nisibis נְצִירִין, but, goaded by the desire to obtain information on some questionable subjects, he left for Jerusalem, where he became a disciple of the chiefs of the Synhedrin, Schemaja and Abtaljon, and there he stayed till Herod had issued a proscription against the leaders of the national party. About forty of them were put to death, Baba ben Buta, the Cræsus of Jerusalem, hid himself, while others, among them Hillel, retired to Babylon.

Later when Herod pursued a more peaceable policy, Hillel returned to Jerusalem, but being a native of Babylon, he had against him the current of popular prejudices, and he had to wait his chance, which came when the sons of Batyras, the chief rabbis, were at a loss about a decision, as to whether it was lawful to slay the Paschal lamb on a Sabbath, on which day in that year the Passover happened to come. The whole store of traditional knowledge furnished the Bene Batyras with no precedent. The friends of Hillel availed themselves of that occasion to bring him before the people. He being a disciple of Schemaja and Abtaljon, they proposed to call upon him in the hope of obtaining an explanation. Some objected to him, as he was a Babylonian, but his friends prevailed; Hillel was called and decided in the affirmative.

His argumentation was based upon the principles of analogy, Gesera Schawa, and upon the Syllogism de Minore ad Majorem, Kal We Chomer:

a. The analogy: The daily offerings are brought on Sabbath because they are communal, and so is the Paschal lamb.

b. The analogy: The Paschal lamb has in common with the daily offerings a stated time of being brought.

c. The Syllogism de Minore ad Majorem: Upon the intermittance of the Paschal lamb is a more severe punishment inflicted than upon the intermittance of the daily offerings.

This argumentation combined with the assurance that his decision was traditionally sanctioned, won him the favor of the people to such a degree that the sons of Batyras deemed it advisable to resign their office, and Hillel became their successor. Talmud Yerush. Pes. 6, 1.

That the argumentation on such trivial subjects sufficed to recommend him to the highest dignity among the Jews, was natural at that time, when "Herod had put out the light of the world," the teachers, and because with Hillel's promotion his whole system of Dialectics was adopted by the people.

The seven dialectical rules of Hillel are:

1. Kal Wechomer: A syllogism implicitly drawn from a minor case upon a more important one.

Example: If thou meet thy enemy's animal going astray, thou shalt surely bring it back to him again. Exod. xxiii. 4.

If that be one's conduct toward an enemy, how much more should one be considerate toward a friend.

The Pentateuch contains ten Kal Wechomer cases: Gen. v. 9; vi. 3; xiv. 15; xvii. 20; xlv. 8. Exod. vi. 12; Levit. x. 19; Numb. xii. 14; Deut. xxxi. 27; xxxii. 39.

2. Geserah Schawah. The analogy. A syllogism drawn from analogous cases and expressions.

Example: See above Hillel's argumentation before the Batyras. To avoid abuse of this dialectical rule, it was agreed upon that only traditionally-sanctioned cases should be valid

3. Binjan Abh. A definition which is given only once in the Bible, and which is definitive for all recurrent terms, irrespective of the subjects they refer to.

Example: "I afflicted my soul with fasting," Psalms xxxv. 13, is definitive that all self-imposed affliction, when expressed by the Hebrew word *inna*, means fasting.

4. Klal U-prat: If there be in the Bible a general rule and a specification, then the specification exemplifies the contents of the general rule.

Example: Leviticus i. 2:

*The General Rule:* If any one of you wish to bring an offering of the animals.

*The Specification:* Either of the herd or of the flocks shall ye bring it.

This specification is to exclude all undomesticated animals.

5. Prat U-Klal. When there is a specification and a general rule in the Bible, then the specification is to say that all cases which can actually be covered by the general rules are, in the widest sense of the term, implied in the general rule.

Example: Deuteronomy xxii. 1:

*A Specification:* "Thou shalt not see thy brother's animals go astray and withdraw thyself from them, thou shalt surely bring them back again unto thy brother; in like manner shalt thou do with his ass and raiment."

*A General Rule:* "And in like manner shalt thou do with every lost thing of thy brother." The general rule means to say that all and everything, irrespective of name and form, when found shall be restored.

6. Kayozeh bo Mimokom Achar. The inductive method. Subjects unexplained and undescribed in the proper place can become so by a quotation of similar cases from other places.

7. Dabbar Halomed Meinjano. The meaning of the subject has to be made clear by the general contents of the chapter, or by the category of the commandments.

These seven dialectical rules were the foundation to the whole Talmudical structure; they were the means of ingrafting the scions of progress upon the Biblical stems and the hammer whereby the consolidation of the Pharisees and Sadducees was accomplished. Hillel, presiding over

the Synhedrin without an assessor, wielded an absolute authority bordering on autocracy, but, being a genius in meekness and humanity, he judiciously exerted his influence in the interest of the religious union and progress of his nation. Under the weak hands of his son Simon, two parties, the Hillelites and the Schamaïtes, arose. Their disputes favored the development of Dialectics, but the dialectical abuse to which the amazing flexibility of the Hebrew words and the lack of a system of punctuation exposed the Bible, made the conscientious doctors look about for a common basis spared from the tides of sophistry and partisanship, and to that purpose the doctors of both parties agreed that the Hebrew word has, in point of casuistry, to be defined according to its adoption or meaning in spelling, and not according to the meaning it might receive by a varying pronunciation.

כולה עלמא יש אם למקרא רב ורבי יהודה בן רועץ  
ורבי שמעון ובית שמאי ורבי עקיבא כולו סבירא  
להו יש אם למקרא. (Synhed. 4.)

The meaning of a word, obtained by means of pronunciation, independent of spelling, *יש אם למסורה*, was only adopted when it did not contradict the established tradition. A pre-eminent dialectician among the Hillelites was Jonathan ben Uziel, the eldest of the eighty great disciples of Hillel, and the translator of the Prophets into the Chaldean language.

אמרו עליו על יונתן בן עוזיאל שבשעה שהיה יושב  
ועוסק בתורה כל עוף שפרח עליו באויר מיד נשרף.  
(Succa 28.)

### *The College in Yabneh.*

Rabbi Yochanan ben Saccai, the youngest of the eighty great disciples of Hillel, and, after Simon ben Gamaliel's death, the president of the Synhedrin, anticipated the sad consequences of the war with the Romans, but he had not influence enough to induce the Jewish parties to make

peace with the Romans. Yet, being anxious to save the Jewish religion, he devised a plan to establish a college in Yabneh, and make that place the center of religious life—a second Jerusalem. Wholesome as the measure was, steps to its realization had to be taken in secret. He preconcerted with his disciples the spread of a rumor of his sudden death and his removal in a coffin out of the city into the Roman camp. They succeeded, and he was also favored with an audience by Vespasian. Yochanan's well-known antipathy to the war-party, his venerable appearance and his affability, gained him such an ascendancy over Vespasian that his desire of starting a college in Yabneh was instantly gratified.

In the college of Yabneh, Judaism underwent a new phase of development; there it was practiced and taught in its form and essence, without a temple, without priests, and without offerings. Separated from all political influences, the Jewish religion was there regenerated, rejuvenated, and perpetuated.

The Talmudical writings contain no specimen of R. Jochanan's Dialectics, but the great reforms, alterations, innovations and improvements which he introduced presuppose, besides great authority, also great skill in Dialectics.

In Succa 28, he is represented as a dialectician equal to Abaja and Raba **אמרו עליו על רבי יוחנן בן זכאי שלא הניח מקרא משנה גמרא הלכות ואגדות ודקדוקי סופרים כלות וחמורות והויות דאביי ורבה**.

Two of his contemporaries applied new dialectical principles.

Secharja ben Hakazabh interpreted dialectically the letter ך (Waf).

Example: Secharja ben Hakazabh derived the interdiction of the staying of an adultress with her husband, and of marrying her seducer from the conjunctive ך of **נשמה** **ונשמה**. (Sota v. 1.)

The second contemporary, Nahum Ish-Gamsu, interpreted dialectically the adding particles, **אף גם את** and the precluding articles, **אך גם רק**.

Example: Simon Haamsoni was engaged in interpreting the dialectical meaning of the adding particle, **את**, in the Bible, and, except in one case, **את ה' אלהיך**, he made all congruent. Rabbi Akiba, in the name of Nahum Ish Gamsu, made also that one case, congruent; it meant to say: "Divines shall share thy love of God." **את לרבות תה** (Pesachim.)

The Socratic method of Jochanan's teachings, his recklessness in the introduction of reforms, his conferring of all formerly-enjoyed prerogatives of Jerusalem upon Yabneh, and his eagerness to promote the study of law as a prerequisite of the immortality of the Jewish nation, made the college of Yabneh a hot-house of dialecticians.

The Dialectics became a favorite study at that time. It trained the minds, it amused the students, but, at the same time, it startled the conservatives, and among them nobody was more alarmed at its spread than Rabbi Gamliel, whose hereditary privileges were at stake.

The removal of Rabbi Yochanan ben Saccai from Yabneh to Berur Chajil may be a consequence of the secret steps Gamliel took to check the liberty of discussion and the freedom of interpretation.

Gamliel inaugurated his career as the head of the Yabneh college by the formation of a Synhedrin, whose authority, like that of the administration of his grand-sire, Hillel, was to be considered decisive, and thus put a stop to all liberty of individual decisions. His next effort was to unite the two great parties, the Shamaites and the Hillelites, and, after three years and a half of constant exertion, his endeavors were crowned with complete success. (Erub. 13.)

The beneficial result of such a unification and reconciliation was felt in all religious, social and political circles among the Israelites, and in order to secure its permanency, he was cautious enough to adopt a middle course. To please

the rigorous and inflexible Shamaites, of whom an abandonment of all their time-honored traditions could not be expected, he often decided according to their traditions, though according to the agreement of the parties, the usages of the Hillelites were decisive, with the reserve that, in private affairs, the Shamaites should be unmolested.

Such success encouraged Rabbi Gamliel to continue on his course of suppressing all liberty of interpretation, and he excluded every sophist from the college. כל תלמיד  
חכם שאין חוכו כברו אל יכנס. (Berachoth 28.)

Such a course was very imprudent. Gamliel himself was not invested by the Romans with any authority, nor was he superior in knowledge to his great contemporaries, and besides this, Dialectics became a favorite study of the age, and to contest it was synonymous with "swimming against the current;" but Gamliel's anxiety to preserve all his hereditary privileges, blinded him to the extent that he could not perceive the threatening danger.

The victims of his imperiousness, who preceded and accelerated his fall, were:

Rabbi Elieser ben Hyrcanos, his own brother-in-law, a man of great independence, originality and recklessness, who was excommunicated for refusing to submit to the majority.

Akabya ben Mahalalel, whose watchword was, "I had rather be called all my life a fool by man than to become for one moment a sinner before God," lived according to the dictates of his own conscience, and would by no means submit to the majority. Such praiseworthy resolution and firmness of character were laid to his charge as a crime; and he was excommunicated.

Rabbi Eliezer ben Chanoch was excommunicated for failing to observe every minute particular of the rite of the hand-washing before meals.

Rabbi Jose ben Tadaï was excommunicated because he drew a sophistic syllogism:

זו שאלה שאל רבי יוסי בן תדאי איש טבריא את ר'ג' מה אשתי שאני מותר בה אני אסור בכחה אשת איש שאני אסור בה אינו דין שאהיה אסור בכחה אמר לו צא פרנס לי כהן גדול ואני אפרנס לך כל ישראל דא' אין דנין דבר לעקור דבר מן התורה ונדהו רבן גמליאל—(Derech Erez. Raba I.)

While Gamliel hurled the thunderbolts of excommunication against eccentric characters, he excused himself by declaring that such a course was necessary to prevent the formation of parties detrimental to the prosperity of Judaism: לא לכבודי עשיתי ולא לכבוד בית אבא אלא but this apology could not avail when he dared to attack a man like Rabbi Joshua ben Chananja, who enjoyed great popularity, and had enlisted the sympathies of the collegiates.

The evening prayer was not an obligatory part of the daily service till Rabbi Gamliel declared it so. Outside of the college Rabbi Joshua expressed his disapproval of it, but had not the courage to own it when Rabbi Gamliel solicited his opinion inside the college. Gamliel considered it an act of equivocacy and duplicity, and insulted him personally. Such an affront aroused a storm among Gamliel's opponents, which resulted in his deposition. The colleagues thereupon elected in his place Rabbi Elieser ben Asarja.

Rabbi Elieser ben Asarja was a man of mediocrity in knowledge, but his constituents expected of him pliancy and indulgence in the liberty of interpretation and discussion, which privilege they were denied by Gamliel. They were not disappointed. On the very day of his installation, כוכים Edjoth I., they carried all the points they desired.

Contrary to Rabbi Gamliel, whose *regime* it was to exclude from the college all sophists, Rabbi Elieser ben Asarja acknowledged the right of individual opinions, and sanctioned the principle of antagonism. In one of his lectures he compared the law to plants. נמשלו דברי תורה



לנטיעה, like them it increases, and, though it is differently interpreted, all the decisions are sustained by the authority of one shepherd. (Chagiga III.) He is also the author of a dialectical rule called סמוכים, Semuchim, according to which the portions of the Pentateuch are connected in order to intimate and teach that which otherwise might have been overlooked. אמר רבי אליעזר סמוכים מן התורה מניין שנאמר לעד לעולם עשויים באמת ויושר (Jebamoth, 4). Remarkable is his independence of Akiba when discussing with him. אמר לו רבי אליעזר לרבי עקיבא אפילו אתה מרבה כל היום אין אני שומע לך (Nidda 72) — רשי רבוי אחר רבוי

Had Rabbi Elieser lived in another generation his knowledge would have sufficed to make him a great authority, but in a generation that could boast a Rabbi Akiba, Rabbi Tarfon, Rabbi Ismael, Rabbi Joshua ben Chananja, he was eclipsed and had no sway over the minds of his great contemporaries. Very often the collegiates spoke slightly of him, but Rabbi Joshua ben Chananja exerted all his moral influence to raise his authority, and he used to say of him: "A generation which can boast an Elieser ben Asarja is no orphan."

During his deposition, Gamliel deported himself with such modesty and generosity that he fascinated even his opponents, and when later he became reconciled to Joshua ben Chananja, the wave of popular favor brought him back again in his former office, but only co-ordinately with Rabbi Elieser ben Asarja.

Rabbi Elieser's great contemporary, Rabbi Josua ben Chananja, a disciple of Rabbi Jochanan ben Saccai, was a very eminent sophist. The Midrash Rabba, Genesis 57, pronounces him "the Arch-Dialectician of the Law,"

ארכילוסטיקת דאורייתא He was such an expert in disputing with Gentiles that when he died his contemporaries woefully said: "What shall become of us now, when Gentiles come to dispute with us?" (Chagiga 5.)

A specimen of his sophistry with the Savants of Athens is contained in the Talmud.

*Rabbi Josua.*—A hybrid gave birth to a young one, and put upon its neck an assignment to the father's house.

*Savants.*—What? A hybrid does not bear.

*R. Josua.*—Well, did you not wish me to amuse you?

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*Savants.*—If salt loses its savor, how can it be seasoned?

*R. Josua.*—With a secundine of a hybrid.

*Savants.*—What? A hybrid has no such thing.

*R. Josua.*—Neither can salt lose its savor.

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*Savants.*—Can you build a house in the higher region of the air?

*R. Josua.*—Yes, provided you can furnish me there with the requisite material.

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*Savants.*—Where is the center of the earth?

*R. Josua.*—Here, on this very spot.

*Savants.*—Prove it.

*R. Josua.*—Bring me a rope long enough to mete it.

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*Savants.*—Can you remove a well?

*R. Josua.*—If you furnish me with a rope of bran.

---

*Savants.*—Can you stitch together a broken millstone?

*R. Josua.*—Yes, if you furnish me with a thread of sand.

---

*Savants.*—What instrument would you use to mow a field planted with knives?

*R. Josua.*—Horns of asses!

---

The savants placed before him two eggs, one from a black and one from a white chicken, saying: "Distinguish them apart." But Rabbi Josua would not answer till they had decided between two loaves of cheese, one from a black and one from a white cow. (Berachoth 8.)

A closer explanation, as given by the commentaries, of his controversy with the savants of the Atheneum, is not

in place here, where it is the purpose merely to represent Rabbi Josua in his capacity as a Dialectician.

Opposed to all decisions emanating directly from the Mishna, without any consideration to dialectical discussion, he denounced those of his contemporaries who bowed before the letter of the Mishna as "Destroyers of the World."

התנאים מבלי עולם שמורים הלכה מתוך משנתו  
(Sota 22.)

Characteristic of his religious views is his utterance that "the majority must decide upon the ground of rational reasons, and dare not regard supernatural references,"

קול אין משניהין בבת קול and that the whole frame and bulk of the rabbinical casuistry are as mountains hanging on the hairs of biblical passages. כהררים התלויים  
בשערה (Tosefta Erubin.)

The college, under the presidency of a man who had such liberal views about casuistry and Halacha, and who, besides this, taught that "All righteous people, without distinction as to religion, have a share in the happiness hereafter" (Synhed. 105), and that "No law shall be enacted which is not gratifying to the majority of the community" (Bab. Bat. 60),—must have been a hot-house of free thought.

Though an opponent of Rabbi Gamliel, he was considered, not only by the people, but also by Gamliel himself, his superior in wisdom, at least so he told Josua, when once Josua would not silently submit to his authority

After Gamliel's death, Josua became the president of the Synhedrin.

### *Rabbi Ismael.*

Rabbi Ismael, the founder of a college in Kephars-Asis, was a representative of the old school of Dialectics, inaugurated by Hillel. His genealogy is veiled in obscurity, and that made some think he was the son of Ismael ben Fabi, whom the Israelites commissioned to Rome to receive the decision of Nero relative to the encroachments made by

Agrippa II. in raising part of his palace so high that he could inspect the whole interior of the temple court; but others again assume that he was the grandson of the high-priest Ismael ben Elisah. There is also a tradition to the effect that he was ransomed when quite young, at Rome, by Rabbi Josua ben Chanania.

Opposed to all perversion of passages, to the use of pleonasm, rhetorical expressions, and to all the artifices of interpretation, as applied by Rabbi Akiba, for dialectical purposes, he made it his paramount principle in interpretation of the Bible to observe the Biblical idiom, and not to use it for dialectical purposes. **דברה תורה כלשון בני אדם.** (Kerithoth 11.)

From these rules he deviated four times, and then only because the natural sense of laws favored his allegorical interpretation. **תני רבי רבי ישמעאל בג' מקומות. ההלכה עוקבת למקרא ובמקום אחד למדרש.** (Sota 16, Jerus. Kidu. 1, 2.)

He was not the author of all the thirteen dialectical rules which are ascribed to him. His great predecessors in the rational Dialectics were Hillel and his own teacher, Rabbi Nechunia ben Hakana. **רבי ישמעאל ששימש את רבי נחוניא בן הקנה שהיה דורש את כל התורה כולה בכלל ופרט.** (Shebuoth 26.)

The thirteen dialectical rules of Rabbi Ismael are:

1. Kal WeChomor. See Hillel's Dialectical Rules, I.
2. Gesera Shawa. " " " II.
3. Binjan Abh. " " " III.
4. Klal U-Prat. " " " IV.
5. Prat U-Klal. " " " V.
6. **כלל ופרט וכלל אי אתה דן אלא כעין הפרט.**

When there is a general rule and a specification, and again a general rule, then the specification is explanatory.

If a man delivers unto his neighbor money or vessels to keep, and it is stolen out of the man's house, then he shall

swear that he did not stretch out his hand against the neighbor's goods. (Exodus xxii. 6.)

*General rule:* "For all manner of trespass."

*Specification:* "For all animals or raiment."

*General rule:* "For any manner of lost things."

This specification denotes movables of intrinsic value, and excludes from this category immovables, קרקעות and movables of no intrinsic value, שטרות.

## 7. פרט שהוא צריך לכלל וכלל שהוא צריך לפרט.

There are specifications which are explained by general rules, and *vice versa*.

Example: Numbers vi. 3.

*A specification:* A Nazarite shall abstain from vine and strong drink.

*A general rule:* All the days of his abstinence he shall eat nothing of the grape vine.

*A specification:* From the kernel even to the husk.

This last specification is to forbid the Nazarite the use of all offal of fruit.

Another example: Numbers iii. 40.

*A general rule:* Count all the first-born.

*A specification:* The males of the children.

In this case the specification excludes the females, and the general rule excludes all who are born unnaturally, or who are not first-born.

## 8. כל דבר שהיה בכלל ויצא מן הכלל ללמד לא ללמד על עצמו יצא אלא ללמד על הכלל כולו יצא

A case which is implicitly implied in a general rule, and is then specified, is it to the purpose that its peculiarities shall also govern every case implied in the general rule?

Example: Leviticus xx. 2.

Whoever giveth of his children to the Moloch shall be stoned. This specification is to teach that upon every mode of idolatry the stoning is inflicted as a punishment.

## 9. כל דבר שהיה בכלל ויצא למעון טעון אחר שהוא כענינו יצא להקל ולא להחמיר

is implicitly implied in the general rule, and is specified through a similar case, has become so to indicate that all cases implied in the general rule may equal in advantage and merit the specified case.

Example: Exodus xxi. 12.

*The general rule:* "He that smiteth a man so that he die, shall surely be put to death," implies all murderers collectively; but the specification (Deut. xix. 4): "And this is the case of a man-slayer who shall flee thither that he may live," is to teach that just as the man-slayer has the advantage of the cities of refuge, so shall every murderer have all possible advantages of the case.

10. כל דבר שהיה בכלל ויצא מן הכלל לשעון טעון. אחר שלא כענינו יצא להקל ולהחמיר. Any case which is merely nominally implied in the general rule, and is specified, then its specification refers to all its advantages and merits, and all its disadvantages and demerits, to the other cases implied in the general rule.

Example: Deut. xv. 12: "If thy brother, the Hebrew, or the Hebrew woman, be sold unto thee, he shall serve thee six years, and in the seventh year shalt thou let him go free from thee." But, in Exodus xxi. 2, the Hebrew woman is not mentioned: "If thou buy a Hebrew servant, six years shall he serve;" and again, Exodus xxi. 7, it reads, "If a man sells his daughter for a maid-servant, she shall not go out as the man-servants go out."

The merit of the specification—the Hebrew woman—is, that she may leave before the six years expire, in case the master die, and the disadvantage of that specification is that the master or his son have a right to marry her against her will.

11. כל דבר שהיה בכלל ויצא מן הכלל לדון בדבר חדש אי אתה יכול להחזירו עד שיחזירנו הכתוב לכללו בפירוש. Any case which is comprised in the rule, when it becomes specified for a certain purpose, then the specification has to remain valid under all circumstances till it is expressly recomprised by another passage.

Example: Levit. xxii. 10: "They who are born in the house of a priest may eat of a holy thing." Here are implied all children of a priest; but (xxii. 12), the married daughter is excluded, and would remain so—though her circumstances change and she is a widow—if the passage there (xxii.) had not expressly allowed her to return when a widow to her father's house.

12. דבר הלמד מענינו ודבר הלמד מסופו. Both the general contents and the end of a portion have to be taken into consideration.

Example: Levit. xviii. 6: "None of you shall approach to any that are near of kin to him." This passage interdicts the intermarriage of relatives altogether, but at its close it specifies those relatives who are allowed to intermarry.

13. כתובים המכחישים זה את זה עד שיבוא הכתוב השלישי ויכריע ביניהם.

Two contradictory passages must be reconciled by a third one.

Example: "All fat, all blood ye shall not eat." That includes also the fat of beasts and birds; but this command is contradicted by another passage (Deuter), which allows the eating of the fat of stags and roes; but both again are reconciled by a third passage, which forbids the fat of cattle and flock. (Leviticus.)

These thirteen rules are concerning the Halacha, and there are in the Talmud two more rules which he applied to the Hagada.

a. Being quite familiar with the Greek language, he occasionally used the Greek in explanation of the Hebrew.

ר' ישמעאל סבר אותו ואתהן אותו את אחד מהן שכן בלשון יוני קורין לאחת הינא. (Synhedrin 76.)

ב. All repetitions in the Pentateuch are intended to imply that, which otherwise, might be overlooked. כל פרשה שנאמרה ונשנית לא נשנית אלא בשביל דבר שנותר בה.

Judging from the Talmud (Synhedrin 54), where one dialectical rule of the system of Rabbi Elieser Haglili is mentioned in Ismael's name, he must have known many dialectical rules besides those mentioned above.

**אמר רבי ישמעאל דבר זה בא ללמד ונמצא למד**

Rabbi Ismael's disciples, called "Tanah dbe Ismael," used a method of transmutation **אל תקרי**, according to which another or a desired meaning is given to words when single letters are transmuted, omitted or differently pronounced.

The Hebrew language is like a kaleidoscope; no matter what transmutation the letters undergo, new words are formed and they are very often expressive of great and progressive ideas.

*Rabbi Akiba.*

**רבי עקיבא שהתקין מדרש הלכות** (Talmud Yerushalmi 5, 1), Rabbi Akiba, the greatest rabbi among the teachers of the Mishnah epoch, and the founder of a new dialectical school, endeavored to derive every halacha directly from the Pentateuch; hence, when he had no conclusive arguments, he used pleonasm, picturesque and rhetorical expressions, tenses, conjunctive letters, foreign words, the perversion of passages and the disconnection of sentences.

He was so impassioned of such irrational methods that he frequently waived conclusive arguments, saying: "It is not necessary to resort to them." **אינו צריך**.

Rabbi Akiba as a dialectician was the antipode of Rabbi Ismael. (Yerushalmi Nedarim I. 1.)

**רבי עקיבא אמר לשון רבויין הן ישמעאל דאמר לשון כפולין הן והתורה דברה כדרכה הלוך הלכת נכסוף נכספת.**

Methods so irrational, so illogical and so militating with common sense would have become subversive and fatal to Judaism had he not restricted his application of them only within the limits of morality, and for the promotion and



spread of his ideas relative to the tendency and maintenance of Judaism.

Akiba lived in an age which was favorable to progressive ideas and innovations only when they had the sanction of dialectical argumentation, and any dialectical plausibility sufficed, especially when it was only of hagadic origin.

The dialectical rules of Rabbi Akiba were:

1. **ריבה** Rebah. The Hebrew particles, **אף, גם, אף**, served to intimate that where there was a Halacha, or an idea which is not mentioned especially, it could be derived dialectically.

2. **מיעוט** Meat. The Hebrew particles, **אך, רק, מן**, intimate an exclusion of a certain idea or Halacha.

These two dialectical rules had also been applied by Nahum ben Gamsu, a contemporary of Rabbi Jochanan ben Saccai, but Akiba applied them in a more compound figure:

An addition, exclusion and addition—**ריבה מיעוט וריבה**.

An addition after an addition—**ריבה אחר ריבה**.

An exclusion after an exclusion—**מיעוט אחר מיעוט**.

3. **קל' וחומר ממה שאמרו חכמים** (Gitin 23). The syllogism de minore ad majorem, when the minore premise is a mere rabbinical decision or statement. This principle had already been applied by Akiba's teacher, the Rabbi Elieser ben Hyrcanos.

4. **רבי עקיבא אומר או ובה לרבות מכלל דרבי עקיבא** **או קדש**. The conjunctives **אן** "the ore" and the **ן** "the and." Example (Leviticus xvii. 3): "Any Israelite who kills an ox or a sheep or a goat outside, and does not bring it into the tabernacle, it shall be imputed to him as a blood guiltiness." The "or" means to say that also he who sprinkles it is guilty.

This rule had also been taught by Secharja ben Hakazan, a contemporary of Rabbi Jochanan ben Saccai.

5. The word **לאמר** is applied to a dialectical purpose.

Sifri Nasa II., Sota, p. 5. כל מקום שנאמר בה לאמר. אינו אלא לדרוש.

6. The connection of the portions has a dialectical meaning. Sifri Balak 131. כל פרשה הסמוכה לחברתה.

7. The perversion, disconnection and the dislocation of passages. (Menach 58, Gitin 39) סרם המקרא וכך דרשו.

8. A "point d'appui" in the Bible, or, in the usages of the people, אטמכתא בעלמא. If a Biblical passage is a "point d'appui," then it is followed by the word שנאמר (Berachoth Mishnah i. 5). The rabbis liked this method very much. איירא דאתיא מדרשה חביבה ליה.

9. Foreign words, רבי עקיבא אומר שט בכספי שתיים. Synhed. 104. פת באפריקא שתיים לטוט פות. The method of using foreign words in defining Hebrew ones had been adopted earlier by Rabbi Ismael.

10. Puns' בית גליא, Aboda Sara, לשון נופל על לשון. בית כריא.

11. צרופי אותיות. The formation of a new word by a composition of letters taken from two or several words belonging together. (Sota 17.) איש אשה אש יה.

12. משלים. Metaphors.

Example: (Deuteronomy xlix. 13): "And the woman in the captivity shall weep for her father." Rabbi Akiba takes the word father for a picturesque expression, meaning her idol.

13. The inquiry as to the reasons of the biblical laws and a decision accordingly. מפני מה אמרה תורה. (Rosh Hashana 16.)

Akiba's disciple, Rabbi Simon ben Jochai unreservedly sanctioned this principle. רבי שמעון אמר דרשינן מיצמא דקרא.

14. The grammatical construction. Example: (Synhedrin 54): Akiba turned the active form, שוכב, into the passive, נשכב, and derived from it a Halacha.

There may be more of Akiba's dialectical rules scattered in the rabbinical writings.

The influence of Rabbi Akiba upon Judaism can not be over estimated, as the opinions of his contemporaries amply testify.

Rabbi Tarfon, although frequently disgusted with Akiba's sophistry (Sifri Behaaloscho x. 8), used to say (Kidu 66, כל הפורש מעמך כאנו פורש בחיים): "He who abandons Akiba abandons life."

Rabbi Tarfon compared the dialectician Akiba to the ram, of whom it reads in Daniel viii. 3: "There was a ram standing \* \* \* I saw the ram butting westward, northward, and southward, so that all the beasts could not stand before him and no one was there to deliver out of his hand: and he did according to his will \* \* \*."

Tarfon was once present when Rabbi Joseh Haglili refuted even the Rabbi Akiba, and he compared Joseh Haglili to a he-goat, of whom Daniel speaks: "The he-goat came close unto the ram and he became bitterly enraged against him, and he struck the ram, and broke his two horns." (Sifri Chuccath.)

Simon ben Asai gave to Akiba the name Kerach, "a ram," and admitted that, among all the sages of Israel, Akiba was his superior.

Rabbi Dosa ben Hyrcan asked him when they met the first time, "Art thou the widely-renowned Akiba?"

Rabbi Nathan, the Babylonian, called him the systematic, Ozar Bolum, because he arranged the confused Halachas, and thus laid the foundation to the Mishnah, which was continued by Rabbi Meir and finished by Rabbi Jehuda, the Patriarch.

Rabbi, the Half-Amora, glorifies him by the legend: "When Moses saw God putting dots and marks upon the letters of the Torah he asked to what purpose was it done, and he was answered: When the Law will not suffice for all the wants of practical life, a man, by name Akiba, will arise, and, by interpreting these dots and marks, will enlarge and expand the Law." (Menachoth xxix.)

Akiba died a martyr after the wars of Bar Cochba, when Hadrian issued oppressive edicts against the Jews. The

blood of his martyrdom caused the seed of his teachings to grow and bring forth a rich harvest of religious and moral thoughts.

*Rabbi Elieser, the Galileite.*

Rabbi Elieser, the son of Rabbi Joseh, the Galilean, lived in Usha. When Rabbi Simon ben Jochai, after the death of Severus, had been commissioned by the Israelites to go to Rome to effect a repeal of the cruel edicts issued and enforced upon them by the emperors Hadrian and Verus, Rabbi Elieser Haglili accompanied him there. The emperor, Mark Aurel, complied with their wishes. (Meila xvii.) While in Rome they beheld the "holy vessels which Titus transported to Rome after the destruction of the temple." (Yoma 59.)

The drooping spirit of the Israelites, who were brought to the verge of despondency and misery by the wars of Bar Cochba, and the subsequent cruel Hadrianic persecutions, he endeavored to revive and encourage by the teachings of the immortality of the Jewish nation. על כל

אומה בעולם המשלחך—מלאך המות—חוץ מאומה זו

(Vajikra Rabba xx.) שנחתי לה חירות

From the conviction that the study of the Law was the only means of preserving his nation, sprang his devotion to the study of the Dialectics.

His thirty-two dilectical rules are:

1. רבוי. See Akiba's Dialectical Rule 1.
2. מיעוט. *Ibid.* 2.
3. ריבוי אחר רבוי. *Ibid.* 2.
4. מיעוט אחר מיעוט. *Ibid.* 2.
5. קל וחומר מפורש. A syllogism *de minore ad majorem*, which is drawn by the Bible itself.
6. קל וחומר סתום. A syllogism *de minore ad majorem*, which the reader of the Bible may draw from premise or by comparison.

7. גזירה שוה See Hillel's Dialectical Rules II.

8. בנין אב. *Ibid.* III.

9. דרך קצרה. The ellipsis.

Example: (Psalm xciv.): "He that planteth the ear, shall he not hear? He that formeth the eye, shall he not see? He that admonisheth nations, shall he not correct? Is it not he that teacheth man knowledge? The last sentence ought to read, "That teacheth man, shall he not know."

10. דבר שהוא שינוי. Alterations of the biblical text. The ancient rabbis do not deny that the biblical text underwent alterations.

The Tosefta (Megilla III.) speaks of an alteration of all obscene words in the Bible: כל המקראות הכתובים לגנאי קוראין אותם לשבח.

The Midrash Tanchuma, Sidra Beschallach, mentions quite a number of altered passages.

Rabbi Simon teaches that the chapter treating of Abraham's intercession with God for Sodom is an alteration.

וילכו סדומה ואברהם עודנה עומד לפני ה' אמר רבי סימון תיקון סופרים הוא (Genesis Rabba 49.)

11. מחבור הנחלק. The intersection.

Example: The eighth verse of Psalm cxlviii. belongs to the fourth.

12. דבר שבא ללמד ונמצא למד. A subject is to depict another subject, and by that means we learn something the first time about its existence.

Example: (Sabarjah xii. 11): "On that day great will be the lamentation of Jerusalem, like the lamentation of Hadad Rimon in the valley of Megido." Hadad Rimon is explanatory, and, at the same time, we hear of it for the first time.

13. מכלל שאחריו מעשה והוא פרטו של ראשון

A general rule with a fact seemingly disconnected with that general rule is still explanatory.

Example: (Deuteronomy xvii. 15): "Thou mayest set a king over thee," is the rule, and the subsequent prescriptions, though seemingly disconnected from the rule, are explanatory of what a Jewish king is required to be.

14. דבר גדול שנתלה בקטן הימנו להשמיע האוזן. בדרך שהוא שומעת'. An illustration or metaphor, though in itself inadequate to the subject it depicts, is still calculated to make a wonderful impression.

Example: (Amos 38): "The lion hath roared, who will not fear? The Eternal hath spoken, who will not prophesy?"

15. שני כתובים המכחישים זה את זה עד שיבוא הכתוב השלישי ויכריע ביניהם. (See Rabbi Ismael's Dialectical Rule 13.)

16. דבר שהוא מיוחד במקומו. A word which is unmistakable and admits of no other definition.

Example: prayer, roaring, sighing.

17. דבר שאינו מתפרש במקומו ומתפרש במקום אחר. The inductive method.

18. דבר שנאמר במקצתו ונוהג בכל. A part is mentioned, but the whole category is intended.

Example: (Exod. xxii. 22): "A widow and an orphan you shall not oppress," this does not mean to imply that other unfortunate people may be oppressed.

19. מדבר שנאמר בזה והוא הדין לחברו. A predicate is mentioned in connection with a subject, but refers also to other subjects.

Example: (Psalm xcvi.): "Light is sown for the righteous and joy for the upright heart." Both of these predicates refer to either of these subjects.

20. דבר שנאמר בזה ואינו ענין לו אבל הוא ענין לחבירו. A predicate which only nominally refers to the subject, but in reality it alludes to a subject which is connected with the first one.

Example: (Deuteronomy xxxiii.): "And this is the blessing of Juda, and he said, hear, Lord, the voice of Juda." The first part of this blessing refers to Juda's neighbors, Simon and Reuben, who were united with him.

21. דבר שהוקש לשתי מדות ואתה נותן לו כח. **דיופה שבשתיהם**. A subject compared with two things has to be taken in the light of all their advantages and merits.

Example: "The righteous blossom like a palm-tree, like a cedar on the Lebanon." This illustration means that the righteous bear fruit like a palm-tree and give umbrage like a cedar.

22. דבר שחבירו מוכיח עליו. A subject is defined by another subject.

Example: (Psalm xxxviii. 2): "O Lord, correct me not in thy wrath and chastise me in thy fury." The "not" of the first passage refers also to the second one.

23. דבר שהוא מוכיח על חבירו. A subject which is explanatory of another one.

Example: (Proverbs xiii. 1): "A wise son the correction of his father, but a scorner hearkeneth not to rebuke." The word hearkeneth refers to the first part, and it ought to read: A wise son hearkeneth to the correction.

24. דבר שהיה בכלל ויצא מן הכלל ללמד על עצמו. A thing that was implied in the general rule and was specified, the specification may mean emphasis.

Example: (Joshua ii. 1): "Go ye, view the land and Jericho."

25. דבר שהיה בכלל ויצא מן הכלל ללמד על חבירו. A thing that was implied in the general rule and is specified, the specification may be explanatory.

Example: (Psalm cxlv. 18): "The Lord is nigh unto all those who call on him, to all who call on him *in truth*."

26. משל. The metaphors. Rabbi Ismael explained the

words metaphorically (Exod. xxi.): The crutch meaning health; sunshine (Exod. xxi.) meaning peaceably, and the sheet (Deut. xxii.) meaning the case, shall be made clear.

27. לשון נופל על לשון. The Puns.

Example: Numbers xxi. 9; Isaiah v. 7.

28. מנגד. The Parallelism.

Example: (Genesis xlix. 11): "He washes his garments in wine, and in the blood of grapes his clothes." The word Suso, raiment, does not occur again in the Bible, and is defined "raiment" only on account of another synonymous word.

29. גרמטיא or גימטריא. Geometry, or the numerical value of the words; grammateis, the permutation of gutturals and dentals, or the alphabets when taken backward אל בם, or when commenced with the middle letter את בש.

30. נוטריקון. The short-hand writing. The notaries used to put down one letter for a word, and this expediency of the writers was later applied as a rule in the interpretation of the Bible.

31. מוקדם שהוא מאוחר בפרשיות. The arrangement of the events in the Bible is not of a historical succession.

32. מוקדם שהוא מאוחר בענין. The peculiarity of the Hebrew syntax is according to which parts of a sentence which ought to be subsequent take precedence.

Example: (1 Samuel iii. 3): "And the lamp of God had not yet gone out while Samuel was lying down in the temple of the Lord where the ark was," ought to read: And the lamp of God had not yet gone out in the temple of the Lord where the ark of God was. While Samuel was lying down, the Lord called Samuel.

The thirty-two dialectical rules of Rabbi Elieser are scattered in the Talmud, but were collected by Samuel Hanagid, and are printed as an introduction to the Talmud Berachoth.



The text of these rules varies so considerably in the different dialectical books that critical studies were adopted to restore the original texts by Rabbi Eliah Wilna (Zolkiew 5563), and by Jacob Reifman (Mewakesh Dawar, Wien, 5626).

*The College of Usha.*

The Hadrianic persecutions pressed hard upon the Jewish nation, and especially upon the rabbis, to whom, under the penalty of death, the study and the teaching of the Law were prohibited; but in their devotion and piety they defied their Roman persecutors, and treated with indifference the threats of exile and death.

Under such circumstances, the rabbis, anxious for the progress of Judaism, took measures to secure an asylum for the Law somewhere out of the reach of the Roman persecutors. Usha seemed to them the right place, and thither emigrated the Rabbis Juda ben Ilay, Nehemiah, Mair, Joseph, Simon b. Jochai, Elieser Haglili, Elieser ben Jacob. (Mid Shir Hashirim Samchuni).

The most eminent among the rabbis, called Holcheh Usha, was Rabbi Mair; he was distinguished for his knowledge, brilliant intellect and skill in dialectical contests.

אין בדורו של רבי מאיר כמותו ומפני מה לא קבעו  
הלכה כמותו שלא יכלו חבריו לעמוד על סוף דעתו  
שהוא אמר על טהור טמא ועל טמא טהור ומראה לו  
פנים. (Erubin 13.)

Conscious of his superiority as its head, he endeavored to elevate the College of Usha to a very Synhedrin. But this endeavor clashed with the hereditary claims of Rabbi Simon ben Gamliel, the head of the Synhedrin of Yabneh. Alarmed at the seriousness of the commotion, Simon removed to Usha and there personally assumed the presidency of the Synhedrin. Simon thwarted Rabbi Mair's plan, but, at the same time, he aroused a secret jealousy, which threatened ere long to break forth and prove fatal to either or both of them. The moment for the eruption came. The more Simon felt that he was gradually being eclipsed

by Mair's dialectical acuteness the greater were his endeavors to thrust him, by insisting upon hereditary privileges and etiquette, into the background.

It was the custom, upon the entrance of the three heads of the Synhedrin, for all the collegiates to arise as a mark of reverence. Once on the occasion of the absence of the two assessors, Rabbi Mair and Rabbi Nathan, Simon enacted that all collegiates should arise in future only when he, the Nasi, entered, but when the President, Rabbi Nathan, entered that only two rows should arise, and only one row when the referendary, Rabbi Mair, entered.

Such a proceeding embittered and insulted the two assessors, and cast the seeds of resentment in their minds. They conspired against Simon, and determined to surprise him unexpectedly in the college with questions which they supposed he could not answer, and thus put him to the blush and cause him to be deposed as not fully qualified for his high office. But their plan failed.

Rabbi Jacob ben Cursari betrayed the conspirators, Rabbi Simon ben Gamliel prepared himself to meet his enemies, and, to their disappointment, he answered all their questions to the fullest satisfaction, and when through answering he reproached them with their guilty and malicious designs. He took still a bolder step; he excluded them from the college. This exclusion from the college of men who were his superiors in knowledge, and who were of the founders of that institution, might have proved fatal to him had not Rabbi Joseph ben Chalafta interceded, and, by his weighty influence, reconciled them to the terms, that they were to be re-admitted into the college, and that their teachings should be recorded as anonymous **אחרים אומרים** Rabbi Mair, and **יש אומרים** Rabbi Nathan.

Rabbi Nathan was again a regular attendant at the college, but Rabbi Mair regretted the step of reconciliation that had been taken, and, rather than humiliate himself by teaching anonymously, he went to Sardis in Asia, and established there a college (Synhed. 24) **כל הרואה רבי מאיר בבית המדרש כאלו עוקר הרים וטוחנן זה בזה**

Rabbi Mair's talents and merits succumbed to the weight of Simon's hereditary claims and privileges.

Having thus experienced the wrong and the power of hereditary preferences, he contested them by his teaching: "A Gentile who has been devoted to the study of law equals in dignity a high priest. (Aboda Sara.)

רבי מאיר אומר גוי שעוסק בתורה הרי הוא ככהן גדול

Like the Gamalielites, Rabbi Simon also held that plain modes of study were preferable to dialectical methods.

פליגי בה ר' שמעון בן גמליאל ורבנן. חד אמר סיני עדיף וחד אמר עוקר הרים עדיף. (Horiyoth.)

The assessor, Rabbi Nathan, was a Babylonian, and as such he ranked next to Hillel, who, though a native of Babylon, occupied a high office in Palestine.

Varying from his contemporaries, who believed that God judges the world on the New Year's Day, he taught that God always sat in judgment over the world. (Rosh Hashanah 16.)

Rabbi Joseph ben Chalafla was a man of a very peaceable character. The party strife in Israel he imputed to the incompetency of the rabbis.

משרבו בית שמאי ובית הלל שלא שמשו כל צרכם רבו מחלוקת ונעשה התורה כשתי תורות (Synhed. 88.)

With a remarkable frankness, he used to say: "I am no Aharonite, but if my colleagues should desire me to officiate as an Aharonite, I should not hesitate to comply with their wishes." (Sabbath 118.)

He was the first who interpreted dialectically the punctuation of the Hebrew words. (Pesachim 9; Perek 4.) Next to him is known Rabbi Simon ben Elieser, who made it a rule (Midrash Rabba Genesis 78) that regard should be taken of punctuation.

אמר רבי שמעון בן אלעזר כל מקום שאתה מוצא הכתב רבה על הנקודה אתה דורש הכתב הנקודה רבה על הכתב דורש הנקודה.

In behalf of the re admittance of Rabbi Mair and Rabbi Nathan, he interfered, under the plea, **תורה מבחוץ ואנו**, "the Law is abroad and we are inside."

*The College of Tiberias.*

The son of Rabbi Simon ben Gamliel, Rabbi Jehuda, the patriarch, started a college in Beth Shearim. Later he moved to Sophoris, and finally to Tiberias. Like his father and his grandsires, he was opposed to all dialectical stratagems, fearing they might undermine his hereditary claims and his authority.

The janitors of the college were strictly ordered not to admit any one of Rabbi Mair's disciples, whom he considered mere sophists.

**אחר פטירתו של ר' מאיר אמר להם רבי יהודה לתלמידיו אל יכנסו תלמידי ר' מאיר לכאן מפני שקנטרין הן ולא ללמד הן באין אלא לקפחני בהלכות.**

It was, again, Rabbi Jose ben Chalafla who interfered, pleading: "Rabbi Mair is dead, Rabbi Jehuda is angry, Joseh is silent, what shall become of the Law?"

His ascendancy over Rabbi Jehuda was great **כבר הורה** (Sabbat 51), and the disciples of Rabbi Mair were admitted. Rabbi Jehuda was an admirer of Rabbi Mair and owned that all he knew about dialectical methods he had learned from Rabbi Mair. (Erubin 13.)

In the interpretation of the Law, Rabbi Jehuda was guided by the principle, "Neither too literally nor too free."

**רבי יהודה אומר כל המתרגם פטויק כצורתו הרי זה בראי והמוסיף עליו הרי זה מחרף ומגרף** (Kiddushin 49.)

A great dialectician whom he disliked was the Symmachos, most likely the translator of the Bible into Greek. **תלמיד וותיק היה לו לרבי מאיר שהיה מטהר את השרץ במאה וחמשים טעמים וסומכוס שמו** (Erubin 13.)

Another dialectician, Polimo, asked him whether a miscreant with two heads must lay Tefillin? Rabbi Jehuda frowned at him.

בעי פלימו מרבי מי שיש לו ב' ראשים באיזה מהם  
יניח תפילין. (Menach 36.)

Rabbi Jehuda kept his disciples in a very strict discipline, **זרזק מרה בתלמידים**. He invested himself with all the authority of a rabbi, Synhedrin and Patriarch, and he was favored in his autocracy by his genealogy, his riches and by his great ascendancy over the Roman Emperor, Mark Aurelius Antonius. In spite of his autocracy, Rabbi Jehuda was so liked by the people that they looked upon him as an ideal of a Messiah. (Synhed. 98.)

## II.

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### *The Dialectics of the Amoraim.—The Rabbis of the Talmud. (250–450.)*

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#### *The Dialectics in the Babylonian Colleges.*

The Israelites who were exiled to Babylon by Nebuchadnezzar found there a good home. The equal rights which they enjoyed there in common with the other citizens, the fertility of the ground they settled upon, and the common interests, advantages and sufferings which they experienced in political respects, endeared unto them their new abode to such a degree that when, a few decades later, an emigration to Palestine took place, only the poorer class returned, while the wealthier class preferred Babylon to Palestine.

Babylon was the new country “flowing with milk and honey,” and there they prospered, and, according to the words of Jeremiah, there they built their “own houses;” but, in the midst of their prosperity they forgot, as S. L. Rappaport (Shaaloth Hagonim, Cassel) says, to build the houses of God, the colleges.

While the Jews of Palestine, through all the horrors of war and persecution, did not abstain from establishing colleges, writing books and studying the Law, the Jews in Babylon gave hardly any evidence of a higher spiritual life during all those centuries from the exile till the Hadrianic persecutions, when Palestine Jews made Nehardea their resort.

While the leaders of the Babylonian Jews were invested by the government with the authority of vassal kings, the leaders of the Palestine Jews were persecuted, and, even in the palmy days of Rabbi Jehuda, the patriarch, they were only tolerated by the Roman emperors, and yet the Baby-

Ionians subjected themselves in all religious affairs to the Palestine rabbis, till the amora of the second generation, Rabbi Jehuda ben Jecheskeel, boldly declared, "Babylon equals Palestine in every respect."

After the death of Rabbi Jehuda, the patriarch, many of his great disciples emigrated to Babylon, where they started colleges and sowed the seeds of the Law broadcast into the juvenile minds of the Babylonian Jews, and which produced so rich a harvest that ere long Palestine was surpassed and the Babylonians could boast, "One Dialectician of ours is a match for two of theirs."

There is a great difference between the Dialectics of the rabbis of the Mishnah and the Tanaim, and the rabbis of the Talmudical epoch, the Amoraim.

The Tanaim laid down certain rules, maxims and principles, according to which they interpreted, discussed, explained and developed the Law.

The Amoraim acknowledged the dialectical rules of the Tanaim as authoritative, but they themselves did not lay down new ones. They grasped a subject at issue in the same manner as do very dexterous and sagacious disputants who regard traditional authority, expediency, psychological facts, natural circumstances and capabilities.

### *Mar Samuel Yarchini.*

Mar Samuel Yarchini, the son of Rabbi Abba and a disciple of Rabbi Jehuda, the patriarch, was the head of the college of Nehardea, and was the first dialectician among the Amoraim.

The Jews in Babylon had a jurisdiction of their own, which was administered by their rabbis according to their traditional laws; but Mar Samuel, convinced of the insufficiency and superfluosity of mere traditional laws, entered into the spirit of Jewish jurisprudence, and, by his juridical principles and decisions, he raised Jewish jurisprudence to a higher standard of development.

Such a work could not be accomplished without great skill and dexterity in Dialectics. Mar Samuel's Dialectics are plain, logical, natural and conclusive, and the Jewish

jurisprudence, emanating from broad principles of justice and equality, and being only rarely stunted in its development by authoritative decisions of the Bible, afforded full scope for his dialectical acuteness.

His advice was sought by the Persian King, Sabur I. After the death of his colleague, Rabb, the head of the college in Sura, Rabb's disciples flocked to his college in Nehardea.

Mar Samuel was a universal genius. He was a distinguished physician, and in astronomy he was so learned that he made a calendar for sixty years in advance and sent it to the chief rabbi of Palestine, Rabbi Jochanan, to show him that the festival calculation sent to them from Palestine was of little value.

### *The College of Pumbaditha.*

Rabbi Jehuda ben Yecheskeel, Samuel's disciple, opened a college in Pumbaditha, which for centuries was the most important *alma mater* among the Jewish colleges in Babylon.

Rabbi Jehuda, nick-named ben Schweskel, was called on account of his pre-eminent dialectical acuteness **שיננא**, "the acute."

A specimen of his sophistry is: "Iron is solid, but it succumbs to fire, and the fire again succumbs to the water, and stronger than water are the clouds which bear the water, and stronger than the clouds is the wind which dispels them; stronger than the wind is man, he resists the wind; mightier than man is the trouble which breaks him down; mightier than trouble is the vine; mightier than the vine is the sleep, and stronger than the sleep is the death, and mightier than the death is the charity which saves man from starvation." (Baba Batra 10.)

The golden ages of the Dialectics were, according to him, at the days of Othniel ben Knas, who, by Dialectics, rescued all the halachas which had been neglected during the period of mourning after the death of Moses. (Temura 16.)

ג. **אֲרָפִים הָלָכּוֹת שֶׁנִּשְׁתַּכְּחוּ בִּימֵי אֲבֵלּוֹ שֶׁל מֹשֶׁה** And



another golden age of the Dialectics was that in which the Prophet Isaiah 33, according to a Talmudical interpretation in Chagiga 15, says they built a labyrinth of halachas in the air. שהיו שוקלין קלין וחמורין שבתורה שהיו שונין שלש מאות הלכות כמגדל הפורח באויר.

To the jurisprudence he devoted almost all his time, and thereby neglecting all other branches of casuistry to such a degree that when once asked to give a decision in a ceremonial case he was at a loss what to say, and, as a subterfuge, he referred such questions as this to the category of futile sophistry. (Berachoth 20.) היות דרב ושמואל קא חוינן.

Rabh Yehuda placed Babylonia and Palestine on an equal footing in every respect, and considered as prejudicial any predilection or preferment for Palestine.

When Rabbi Zeira, an enthusiast of Palestine, returned to Palestine, he escaped in secret lest Jehuda would not have allowed it. (Sabbath 41.) He was careful in the selection of disciples. (Chulin 133.) כל השונה לתלמיד שאינו הגון נופל בגיהנם, and was very scrupulous about the purity of genealogy, but his veracity in telling the traditions in the name of the author was doubted very much by his own brother (Chulin 44) לא תציתו להני כללי דכייל יהודה אחי משמיה דרב.

Rabh Juda's successor was Rabh Hasda, who was so rich that, before he was called to Pumbaditha, he maintained his private college in Sura out of his own means.

He was a great Dialectician, and whenever he met with the great Halachist, the blind Rabh Scheschet, they both trembled. Rabh Scheschet trembled because of Rabh Hasda's dialectical acuteness, and Rabh Hasda trembled because of R. Scheschet's great store of traditional knowl-

רב חסדא ורב ששת כי פגע בהדי (Erubin 86.)  
הדרי רב חסדא מרתען שיפיתיה ממתניתא ורב ששת  
מרתע כוליה גופיה מפילפוליה דרב חסדא.

In discussion with Rabh Acha, Rabh Hasda used to remark, slightly: (Pesachim 33, Nedar 59) **מאן ציית**  
**רבך**, and when mentioning some bold decisions of his teacher, Rabh, he used to add **המקום**.  
**יהיה בעוורו** (Surca 33.) In asseverations he used the exclamation "By God!" **האלהים** (Berach. 54.)

Upon Rabh Hasda's death, Rabba bar Nachmani was appointed the head of the college, but he declined in favor of Rabbi Huna bar Chija; and when Rabbi Huna bar Chija died, after a few years, the election fell again upon Rabba bar Nachmani and upon Rabbi Joseph, a blind man, who translated the Prophets into the Chaldean language. Only one chief was needed, and it was agreed to lay the matter before the rabbis in Palestine for decision. Rabba bar Nachmani was a great Dialectician and Rabbi Joseph a great halachist. The rabbis of Tiberias decided in favor of the halachist, Rabbi Joseph, but in the meantime he was disadvised by an astrologer to accept the office. and he declined it. Thus Rabba bar Nachmani became the head of the college of Pumbaditha.

**רב יוסף סינאי רבה עוקר הרים שלחו לתמן סיני**  
**ועוקר הרים האי מינייהו עדיף שלחו להן סיני עדיף**  
**דהכל צריכין למרי חשיא ואע"פכ לא קביל עליה**  
**רב יוסף.** (Horijoth 14.)

Rabba bar Nachmani was one of the greatest Dialecticians that ever lived among the Jews in Babylon. His great dialectical acuteness the Talmud describes in the hyperbolic language: "If God be in controversy with the rabbis, then Bar Nachmani must be the arbiter." (Baba Meziah 86.)

קא מפלגי במתיבתא דרקיע הק'ב'ה' אמר טהור  
 וכולהו מתיבתא דרקיע אמרי טמא אמר מאן נוכח  
 רבה בר נחמני דאמר אני יחיד כנגעים אני יחיד  
 באהלות.

On account of his poverty and mania of censuring the people of Pumbaditha, he lived on no good terms with them (Sabbath 153) **דסני ליה כולה פומבריתא**, but depended mostly upon the subvention he received from Exilarch, Mar Ukba ben Nehemia. This Exilarch, it seems, was a good friend to him, and, in the name of Mar Samuel, told him three halachas:

a. Any contract made in a non-Jewish court is valid.

b. Though according to the Jewish law the occupant of real estate for three successive years, that property not being claimed justly by anybody in the meantime, is the rightful owner of it; still the Jews in Persia must wait forty years before they can become rightful owners of such property, because "that is Persian law." **דאריסותי דפרסאי ער ארבעין שנין.**

c. The Jewish law, which does not allow the one who pays tax for a man unable to pay to keep the poor man's field, is not obligatory for the Jews in Persia. (Baba Batra

45.) **והרורי דובין ארעא לטסקא ובינהו זביני**. At

that time the political horizon of the Jews in Babylon became cloudy. King Sabur II. was hostile against the Jews, the chiefs of the college of Pumbitha were forced to flee before the soldiers. Later Rabba bar Nachmani was charged with giving, through his lecturing in Pumbaditha, twelve thousand Israelites from the country an opportunity to escape the collectors of personal tax. He fled, but death overtook him while sitting in a tree.

His successor in the college of Pumbaditha was his nephew, Abaji bar Nachmani, who was brought up in his uncle's house and enjoyed the diligent care of his uncle.

רבה לחרודי ראביי הוא רבעי. Abaji was quite young when his uncle detected in him great promising talents, and he used to say: "The gourds can be recognized in the buds." (Erubin 29.) ביצין בוצין מקטנא ידיע. His hopes were well founded, for Abaji's dialectical acuteness and dexterity became proverbial הוית ראביי (Synhed. 26), and still he could not maintain the reputation of his college, but lived to see the glory of Pumbaditha fading, and the number of his disciples so diminished that he called his college "an orphan among the orphans." (Ketuboth 106.) יתמא דיתמא.

The cause of the decline of Abaji's college was Raba bar Joseh, who, being an unequaled Dialectician, instituted a college in Machuza, where his great reputation, combining all the qualities and abilities of an ideal Babylonian rabbi, was a great attraction for the disciples of all other colleges.

Abaji, who boasted of himself, "I am the second Ben Asai," אבר אביי הרי אני כבן עזאי בשוקא דטבריא (Sota 45), was so totally eclipsed by Raba bar Joseph that only six points at issue with Rabba Abaji's decisions were final, והלכתא כוותיה ראביי בי"ע"ל ק"נ"ם, יאוש מרעת, ער זומם, לחי בערובין, קידושין באומר לשלוחו, גילודעת בגט, מומר אוכל נבילות.

Abaji lived to see the persecutions of the Jews by Constantinus.

### *The College of Machuza.*

Raba bar Joseph, a disciple and a son-in-law of Rabh Hasda, the President of the Pumbaditha College, established the college of Machuza.

His great scholarship, brilliant intellect, progressive energy, combined with a noble character and affability, made his college an attraction for thousands of disciples, placed him ahead of the rabbis in Babylon, and made him a favorite of the people of Machuza.

Abaji, the President of the Pumbaditha College, viewed with envy the ascendancy of Raba over the people and imputed it to Raba's indulging the faults of the people of Machuza. **האי צורבא מרבנן דמרחמין ליה בני מרתא לאו משום דמעלי טפי אלא משום דלו מוכח ליה במילי דשמיא.**

But Raba ascribed his popularity to his impartiality and to the good, sound sense of the people of Machuza. I was thinking that all the people of Machuza loved me, though in my capacity as judge I can but expect only one party to have good feeling toward me; but, to judge from their submission to my impartial decisions, I can not but think that either they all love me or that they all hate me. (Ketuboth 115.)

Raba is the greatest among the rabbis of the Talmud, and still only a little attention was devoted to his teaching and life by modern historians and biographers. Dr. Jost tells a few historical remarks about him and represents him as an active, energetic and enlightened man, who devoted much attention to the cause of education. (Gitin 37; Baba Bathra 2; Baba Mezhiah 109; Maccot 16.)

Dr. Grætz selected Raba as a victim of his libelling mania. He misrepresents him as a selfish, egotistical and low character and a sophist in the meanest acceptance of the term. Raba is charged by Dr. Grætz with self-aggrandizing motives and selfishness, because, in Dr. Grætz's opinion, he sought to deprive Rabh Mari of the inheritance his father, the proselyte Issor, deposited for him with Raba.

The passage in the Talmud to which Dr. Grætz refers relates something quite the reverse, and it requires the imagination, inaccuracy and partiality of Dr. Grætz to make such a discovery in that passage. Every sober Talmudist knows, according to the Talmud, Baba Bathra 149, that it was not Raba who would cheat the Rabh Mari out of his inheritance, but that it was Raba who was cheated out of a sum of money that was allotted to him by virtue of the traditional law of the Jews.

Raba had such a strong claim on that sum of money that when cheated out of it he complained of having suffered a loss, and complained in an indignant tone without being remonstrated with by any one concerned in the affair. In this light it was taken by Alfasi, Nimuke Joseph, and Mordechai.

A law may be unjust, but so long as it is consistent no one has a right to accuse another of meanness, selfishness and injustice in availing himself of it.

Raba's action was not considered even morally wrong at that time, or he would not have dared to speak of it in a city like Machuza, populated mostly by proselytes, and especially as it was himself who reproved the Rabbi Zeira II. for a reckless decision, whereby he offended the proselytes of Machuza and brought upon himself their odium. Dr. Grætz quotes only the faults he imputed to Raba, but leaves unnoticed any of his own merits. Such unfairness is unworthy an historian.

One of the many examples not mentioned by Dr. Grætz, testifying to Raba's honesty and high tone of morality, is: Rabb Papa and Rabb Huna hired boatmen to carry them over the stream Nahar Malka, but, by incidents unforeseen and not within their control, the boatmen were prevented from keeping the agreement. The rabbis urged them to keep the agreement, and to transport them by mules on a roundabout way. They came before Raba, who, deciding in favor of the boatmen, **אָנאָס דלָא שכיחא**, rebuked and reproved the rabbis, saying: "Ye unscrupulous, hoary men, wouldst rob the boatmen of their clothes?" (Gitin 73; Ketub 85.) **קאָקי הוֹירי משלחי גלימא דאינשי**.

Is that the language of an unscrupulous man? Without citing a single specimen of Raba's dialectics, Dr. Grætz places him among the caviling and captious sophists.

Dr. Grætz might have written differently had he taken into consideration that Raba's halachic maxims breathe sound sense; that he treated of the topics of the time; that he warned the people of the many devilish sophists: that he

disapproved of Akiba's severing methods ; that to interpret the Law naturally was his tantamount principle ; and that he collected and observed the wisdom embodied in popular adages, which no other rabbi ever did.

אמר הלכתא דמשיחא הוא (Sebachim 45 ; Synhedrin 51.)

אמר רבא האי דוחכא ככלא (Berachoth 6.)

אמר רבא סכינא הריפא מפסקא קרא. (Bab Bath. 111.)

אמר רבא א'ע'ג דככל התורה כולה אין מקרא יוצא מדי פשוטה. (Yeb. 74.)

אמר רבא מנא הא מילתא דאמרי אינשי.

(Baba Kama 73.)

Another great fault that Raba is charged with by Grætz, is his partiality shown to his colleagues, the rabbis. It is true, Raba conferred some privileges upon the rabbis, but not at the sacrifice of the autonomy of the congregations, nor at the expense of the moral character of the rabbis.

אמר רבא האומר אי אפשר בתקנת חכמים כגון זו שומעין לו. (Ketub. 38.)

אמר רבא כל תלמיד חכם שאין תוכו כברו אינו תלמיד חכם. (Yoma 72.)

The bestowal of certain privileges upon the rabbis and the conferring of favors upon his colleagues was in defense of his profession to protect it against the insults and ill-treatment to which even the most prominent rabbis were exposed at the hands of the overbearing exilarchs and their servants.

Even Raba himself was not spared the insolence of the exilarch. On one occasion when he did not decide in conformity with the wishes of the exilarch, the exilarch applied to him the passage : " They know how to do mischief, but know not how to ameliorate." חכמים המה להרע ולהשיב לא ידעו. (Erubin 26.)

But Dr. Grætz mistakes the causes and the effects, and writes that the rabbis were despised because they were

made a privileged class, and at the head of their antagonists was the family of the physician, Benjomi.

The historical sources know nothing about an antagonistic party, they tell only about the family of the physician, Benjomi, who had a spite against Raba, because they considered the medical advice, which he occasionally introduced through his lecture, a willful encroachment upon the medical profession (Sabbath 133); and they resented it by instigating among the people the question: "Of what use are the rabbis?" מאי אהנו לנו רבנן לא אסרו לנו עורבא ולא שרו לנו יונא. (Synhed. 100.)

"They do not allow us to eat the ravens, neither do they forbid us to eat the doves." But whenever they sent to Raba, requesting his decision on some religious subject and when he gave a favorable opinion, he used to say, tauntingly: "See, I have allowed you to eat a raven;" and when the decision was prohibitory, he would say: "See, I have forbidden you to eat doves."

The attendance of the people at Raba's lectures was so large that he used to beg them, in justice to themselves, not to attend them in the spring and autumn seasons lest their harvesting be neglected and thereby be forced to live in want. (Berach. 37.) Such great multitudes flocking to a college do not indicate contempt for the rabbinical profession.

The following sentences testify to Raba's great enlightenment: אמר רבא כמה טפשי הווא גברא דקמי "How foolish are they who arise in reverence before the scrolls of the Law, but do not arise in respect before a great man." (Makkoth.)

דרש רבא בני הוהר בדברי סופרים יותר מברברי תורה. (Erubin 21.) "Pay more attention to the interpretation of the sages than to the dead letter of the Law." אמר רבא העוסק בתורה אין צריך לא לעולה ולא



לחטאת ולא למנחה ולא לאשם. "He who studies the Law diligently need not bring any kind of animal offering." (Sebachim 110.)

Raba was not favorable to long prayers, and he used to say it was proper to tell the people that it is sufficient when man reads the Shema Yisroel in the morning and in the evening. (Sebachim 99.) **ורבא אמר מצוה לאומרו בפני עמי הארץ.**

"The Law was given to man and not to angels."

(Berach. 25.) **לא נתנה תורה למלאכי השרת.**

"It is better that Israel should sin ignorantly than presumptuously." (Beza 30.) **הנח להם לישראל מוטב שיהיו שוגגים ואל יהיו מזידים.**

Raba being very rich, he was taxed very highly by the Persian King. He was on very good terms with the Persian Queen, Ifra, and had so far won her confidence that she sometimes made him her almoner; but her son, Schabur II., was hostile to the Jews, whose soldiers pillaged Raba's house and caused him to flee.

Upon the death of Raba the great meteor of the Machuza College became extinct, and the Pumbaditha College regained its pristine rank.

### *The Editors of the Talmud.*

The first man who wrote, collected and arranged all the Post-Misannah traditions was Rabh Ashi, the President of the College of Sura, a man of great talents, and who possessed a great store of traditional knowledge. What the capuchin, Henricus Seynensis, who believed the Talmud was a man, said: "Ut narrat Rabbinus Talmud," might justly be applied to Rabh Ashi, who, indeed, was a living Talmud. At that time Mose de Creta, by the wand of his Messianic enthusiasm, kept the great mass of the people in a state of excitement until Rabh Ashi counteracted his influence over them. The Persian King,

Jesdigeret, a great friend of the Jews, invested him with great authority.

The successors of Rabh Ashi, after his death, 427, were: Mar Yemar, Idi bar Abin, Rabh Nachman bar Huna Tabjomeh and Rabba Tufah. Unlike his grandfather, Jesdigeret III., King of Persia, persecuted the Jews and insisted upon their conversion to the Persian religion. He and his successor, King Pherozes or Firuz (458-485), availed himself of every means and opportunity to apostatize the Jews, but they experienced that the Jews under the lead of their rabbis, Tabjomeh and Tufah, had rather become martyrs for their religion than to allow any potentate the encroachment of the sanctuary of their paternal religion and conscience.

King Firuz died, and the cruelly-persecuted Jews, again breathing freely in their colleges, appointed Rabina the President of the Sura College, and who, assisted by Rabbi Jose, of Pumbeditha, continued the Talmud collection and compilation commenced by Rabh Ashi.

Rabh was President of the college from 488 to 499. Rabina is the editor of the Babylonian Talmud in its present compilation, but that does not alter the fact that some additions, interpolations and small alterations have taken place even long after Rabina's death.

The Talmud (Erubin 13) contains a specimen of Rabina's sophistry. His contemporaries could not understand how it was possible for Symmachos, a disciple of Rabbi Mair, to prove that creeping beings, which are expressly forbidden in the Law, can be counted among the clean animals. Rabbin's sophistry made it clear to them.

אמר רבינא אני אדון ואטהרנו ומה נחש שממית  
ומרבה טומאה טהור שרץ שאין ממית ומרבה טומאה  
לא כ"ש ולא היא. מעשה קוץ בעלמא קעביר.

Characteristic of Rabina's dialectical turn of mind is his adage (Megilla 7): "Better is one grain of pepper than a basket full of gourds." אמר רבינא היינא דאמרי אינשי טבא חדא פילפלתא חריפא ממלא צינא דרי.

### III.

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#### *The Antagonists of the Rabbinical Dialectics.*

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#### *The Antagonists of the Talmudical Dialectics.*

One of the most distinguishing traits of Judaism is the liberty of interpretation, of discussion and of writing it allowed to its confessors. It was not only in the Middle Ages that the writings of the most orthodox authorities teemed with heterodox views—conspicuously contradictory to the Bible and traditions, and which among other religions would have savored of heresy, fatal to the authors—but also at those times when a Synhedrin was yet in existence, invested with the authority of an unrestricted and unconstrained ecclesiastic magistrate, though everybody had to submit to the final decision of the Synhedrin, yet nobody could be punished or held to account for censuring it. The greatest and most venerable rabbis were censured and contradicted by their contemporaries, and even the autocratic Rabbi Jehuda was often incensed by the taunting remarks of his contemporaries, Bar Kappara and others.

A taciturn submission was not the rule of the rabbis, and especially not when a case or event or teaching concerned the past, the present and future of Israel, as was the fact with the Dialectics.

The Dialectics of the Mishnah teachers was disliked by the Gamalielites, who believed its spread endangered their hereditary authority. The dialectical methods of the Babylonian rabbis were disapproved of by the rabbis of Palestine, who preferred a plain discussion and simple annotation to the Mishnah to all hair-splitting sophistry and labyrinthian windings of the Babylonian Dialectics.

The rabbis of the Talmud Yerushalmi were Dialecticians, too and many subjects are very profoundly, lucidly and fairly treated in the Talmud Yerushalmi, but the caviling, captiousness and the mere sophistic display of acuteness does not often recur.

The greatest Dialectician among them was Rish Lakish:  
הרואה ריש לקיש בבית המדרש כאילו עוקר הרים  
(Synhed. 24.) ומוחנן זה בזה

לקישא בר לקישא הוי מקשי ליה כ"ד קושייתא  
ופריקנא ליה. (Baba Mez. 84.)

He is the author of very interesting dialectical maxims (Chulin 115). See Appendix. כל מה הצד מגופא פרכינן

The Palestinian rabbis were so opposed to the hair-splitting Dialectics of the Babylonian schools, that when they ordained their disciples they exhorted them not to practice sophistry in any mode. (Ketuboth 16.) כי סמכו רבנן-שרי להו הכי-לא מן חמיסין ולא מן שורמיסין ולא סרמיטין ולא מן סרמיסין.

Some of the well-known antagonists to the Talmudical Dialectics were Rabbi Zeira, Rabbi Yirmijah and Rabbi Yoseh ben Chanina.

### *Rabbi Zeira.*

Rabbi Zeira, who was prejudiced against everything that did not bear the Palestinian impress, used to say, "The very air of Palestine imparts wisdom." His predilection and veneration for the authority of the predecessors were so great that he sacrificed to it the human and professional dignity of his contemporaries, saying, tersely: "If the predecessors were angels, then we are human beings."

אמר רבי זירא אם הראשונים בני מלכים אנו בני אדם ואם הראשונים בני אדם אנו כחמורים (Eru- bin 53.) He was so opposed to the Dialectics of the Babylonian schools that he applied to it the passage: "The poor man sees only evil days." אמר רבי זירא כל ימי רעים

זה בעל תלמוד ושוב לב משתה תמיד זה בעל משנה  
 רבא אמר איפכא (Baba Batra 145.) When he was  
 ordained his teachers exhorted him to abstain from all  
 sophistry. כי סמכו רבנן לרבי זירא שרו ליה הכי לא  
 כחל ולא שרק ולא פירכום ויעלת חן. (Ketuboth 17.)

*Rabbi Yirmijah.*

Rabbi Yirmijah, a disciple of Rabbi Zeira, was still a  
 greater antagonist to the Talmudical Dialectics. He at-  
 tacked the Dialecticians by irony and sarcasm, and who  
 in return removed him several times from the college. In  
 Nidda 23, Rosh Hashannah 13, Succa 12, are examples of  
 his manner of ridiculing the Dialecticians, by asking them,  
 in the heat of their discussions, questions which by their  
 tone betrayed his ironical tendency. Some laughed, while  
 others turned him out.

בעי רבי ירמיה רגלו אחת בתוך חמשים אמה ורגלו  
 אחת חוץ מחמשים אמה מהו ועל דא אפקוהו לר  
 ירמיה מבי מדרשה. (B. B. 23.)

After his return from Babylon to Palestine, he did his ut-  
 most to forget the dialectical methods which he had learned  
 in Babylon, and applied to the time he had devoted to the  
 study of the Dialectics the passage: "God was keeping me  
 in darkness."

אמר רבי ירמיה במחשכים הושיבני זה תלמודו של  
 בבל  
 רבי ירמיה יתיב מאה תעניתא דלשכה תלמודו של  
 בבל

*Rabbi Joseh bar Chanina.*

Rabbi Joseh bar Chanina goes by the anonym: "The  
 West laughed at it." (Synhedrin 17.) כל מחכו עליה  
 במערבא ר' יוסי בר חנינא.

Specimens of his satire are in Bezah 13; Synhed. 109;  
 Nasir 42; Shebuoth 26; Yebamoth 88; Baba Kama 102.

He speaks also of a Genius of the Dialectics, whom he depicts as reckless even toward God, palliating and resolute

אמר רבי יוסי בר הנינא ג שמוח יש לו לרוח פסקניית  
(Synhed. 44.) פסקון אטמון סגרון.

Those of the Babylonian rabbis who were merely plain halachists and no Dialecticians were no opponents to Dialectics. They rather envied their colleagues for such natural acuteness, but they disapproved of the Dialectics when it became extreme sophistry. The blind Rabh Scheches sneeringly said of the extreme methods of the Pumbaditha College: "In Pumbaditha they carry an elephant through a needle ear." (Baba Mezhiah 38.)

ורילמא מפומבריתא ודילמא מפומבריתא. הוא דמעילי פילי בקופא דמחטא. After its completion the Talmud was considered the key-stone of all wisdom, the authority in all decisions and the source of all knowledge, and woe to a rabbi who had dared to criticise the teachings, the methods or the rabbis of the Talmud.

The Post-Talmudical works on the Talmud written by the rabbis of Arabia, Spain and France are distinguished by simplicity and naturalness, and bear a classical stamp, while the rabbinical literature, written by the rabbis of Poland, Russia, Hungary, Bohemia and Germany, up to Moses Mendelssohn, is, with some exceptions, an amazing labyrinth of confusion, obstrusiveness and absurdity.

The number of rabbis who, even in those dark ages, raised their voices against such unmethodical and sophistical proceedings was not small. One of those men who opposed such proceedings against sound, common sense, as time-wasting, useless and perverse, was Rabbi Jair Chajim Bacharach, who wrote in the seventeenth century: "Do not allow your son to waste his time with the futile dialectical studies." (Response 123, Chawoth Yair.)

אל יכלה בנך זמנו בחילוקים בחריפות של הבל.

### *A Dialectical Schematism.*

קל וחומר של דין, של סברא, של נושאים, ממקום  
אחר, חדא מחדא, חדא מתרתי, חדא מתלת, ק"ו  
שמבליעין פרכא שלו.  
קל וחומר בן קל וחומר בן בנו של קל וחומר.

מלמד - עיקר דין - תחילת דין } מלמד ראשון  
נרון  
למד - סוף דינא  
נגוד  
דין  
בא מן הדין, חומר

דיו לבא מן הדין להיות כנדון ר' טרפון אומר היכא  
דלא מפריך קו. (B. K. 25)  
דיו אסוף דינא  
דיו אעיקרא דינא

כל דין שאתה דן תחילתו להחמיר וסופו להקל אינו  
דין. (Pesachim 27.)

אין דנין דברי תורה מדברי סופרים ולא ד"ס מד"ת  
ולא ד"ס מד"ס (Pesachim 65.)

אין דנין קל וחומר מהלכה  
אין מזהירין מן הדין (Maccoth 17.)

אין עונשין מן הדין (Synhed. 74.)

(d) קל וחומר The invalidation of a פירכא

פירכא אעיקרא דינא, אמלמד

פירכא אסופא דינא, אלמד

פירכא כל דהוא

בליעת הפירכא

ביטול הפירכא } ביטול אעיקרא : (אולי) מה לפלוני שכן... תאמר שכן  
} ביטול אסופא : (דזו) פלוג יוכיח

א"ל רב מרדכי לרב אשי הכי אמרינן משמיה דריש  
לקיש: כל מה הצד פרכינן מעלמא לא  
פרכינן

א"ל רב מרדכי לרב אשי הכי אמרינן משמיה דריש  
לקיש: כל מה הצד פרכינן כל דהו; לא אם אמרת:  
חדא מתדא פרכינן כל דהו לא פרכינן

א"ל רב מרדכי לרב אשי הכי אמרינן משמיה דריש  
לקיש:  
חדא מתדא קולא וחומרא פרכינן כל דהוא לא  
פרכינן

חדא מתרתי אפילו כל דהוא פרכינן  
חדא מתלת אי הדר דינא ואתי כמה הצד פרכינן כל  
דהוא, ואי לא הדר דינא קולא וחומרא פרכינן כל  
דהוא לא פרכינן (Chulin 115.)



## II.—גזירה שוה.

The Geserah Schawah based on objects. (a)

תני רבי רבי ישמעאל ושב הכהן ובא הכהן זו היא  
שיבה זו היא ביאת הני מילא היכא דליכא דרמו  
ליה אבל איכא דרמו ליה מדרמי ליה ילפינן.  
(Chulin 85; Erab 51.)

The Geserah Schawah derived from expressions. (b)

אמר רבי יהודה אמר שמואל משום רבי ישמעאל כל  
גזירה שוה שאינה מופנא כל עיקר אין למדין  
הימנה; מופנא מצד אחד לרבי ישמעאל למדין  
ואין משיבין לרבנן למדין ומשבין; מופנה  
משני צדדים דברי הכל למדין ואין משיבין.  
(Nidda 22; Yebamoth 70.)

The tranfer of the Geserah Schawah peculiarities. (c)

במאי פליגי ברוך מינה ומינה, וברוך מינה ואוקי אבתרה  
קמפלגי דרבי אליעזר סבר דון מינה ומינה ורבי  
יהושע סבר דון מינה ואוקי באתרה. (Chulin 120.)  
דכולי עלמא אין גזירה שוה ואין הקיש למחצה.  
(Critoth 22.)

## III.—הקיש

Hekesh means, when of two subjects, which are in one  
passage, only of one is spoken, but both are meant.  
(Kid 77.)

לימא בהאי קמפלגי דמר סבר הקיש עדיפא ומר  
סבר גזירה שוה עדיף? לא דכולי עלמא דהקיש  
עדיף ואמרי לה רבנן תחתון הוא דגמר מעליון  
למימרא דבר הלמד בהקיש שאינו חוזר ומלמד  
בהקיש?

למימרא דדבר הלמד בהיקש אין חוזר ומלמד בגזירה  
 למימרא דדבר הלמד בהיקש אין חוזר ומלמד בבניין<sup>שזה?</sup>  
 אב?<sup>אב?</sup>  
 דבר הלמד מהקיש חוזר ומלמד בקל וחומר?  
 דבר הלמד בקל וחומר מהו שילמד בהקיש?  
 דבר הלמד בקל וחומר מהו שילמד בגזירה שזה?  
 דבר הלמד בקל וחומר מהו שילמד בקל וחומר?  
 דבר הלמד בבנין אב מה שילמד בהיקש ובגזירה  
 שזה ובקו ובבנין אב?  
 (Sebachim 48, 49, 50, 51.)

#### IV.—בנין אב

Rabbi Yosuah ben Chananja calls the בנין אב מכתוב אחר  
 also בנין אב משני כתובים. The מה מצינו also called  
 The recurrence חזר הרין commences with the  
 term לא הרי זה כחרי זה, but the coincidence commences  
 with the term הצד השוה.

The restrictions of the בנין אב

רבי יהודה אומר שני כתובים הבאים כאחד מלמדין  
 (Synhed. 67.)

רבי ישמעאל אומר שני כתובים הבאים כאחד אין  
 מלמדין (Kidushin 37, 58.)

אסור מטומאה לא ילפינן (Yebomoth 103.)

ממונה מאסורה לא ילפינן (Kidushin 28.)

חולין מקדשין לא ילפינן (Chulin 98.)

אסורה מממונה לא ילפינן (B. M. 20, Berach 19.)

חרוש לא גמרינן מינה (Synhed. 71.)

דנין אפשר משאי אפשר  
 (Succoth 50; Yebam. 46; Menach. 82.)

## כללים—V.

כלל שאינו מלא אין דנין אותו בכלל ופרט רבינא אמר  
לעולם דנין (Sebach. 4.)

אמר רבי אפטוריקי משום דהוי כלל ופרט המרוחקין  
זה מזה וכל כלל ופרט המרוחקין זה מזה אין דנין  
אותן בכלל ופרט (Menachoth 55.)

רבא אמר כ"ז פ המרוחקין זה מזה לעולם דנין  
(Nidda 33.)

אמר רבי יוחנן אין למדין מן הכללים אפילו במקום  
שנאמר בהם חוץ (Erubin. 27.)

רבנן סברי כל נפש עד דאיכא כל ורבי יהודה בן  
כתירא סבר כל נפש כל דהוא נפש  
(Synhed. 78; Berachoth 3.)

רב חסדא ורבה ס"ל כל כולו במשמע ורבי יאשיה  
ס"ל כל מקצתו משמע (Pesach. 61.)

רבנן "כל" לא דרשי "כי כל" דרשי (Pesach. 43.)

רבי עקיבא ורבי יוסי הגלילי דורשין "כל" "וכל"  
(Sebach. 82.)

ריש לקיש דריש "בכל" (Maccoth 14.)

רבי יונתן ס"ל לחלק לא צריך קרא משמע שניהם  
כאחד ומשמע אחד בפני עצמו עד שיפרוט  
הכתוב יחדיו ורבי יאשיה ס"ל צריך קרא לחלק  
(Chulin 78; Synhed. 85; B. M. 94.)

אסור כולל, אסור בת אחת, אסור חמור, אסור קל,  
אסור אכילה, אסור הנאה, אסור מדאורייתא,  
אסור מדרבנן, אסור מוסף (Crisos 14; Chulin 1 01.)

## VI.—דרשינן

ר' חנינא בן אנטיגונוס ט"ל גורעין ומוסיפין ודורשין  
(Bechoroth 44.)

או דרשינן לפעמים לרבות ופעמים למעט  
(Baba Kama 77-78.)

אם לרבות (Baba Kama 56.)

ר' מאיר דריש ה' דמיעוטא וה דריבוי (Sota 17.)

ר' ישמעאל ר' מאיר ורבי יהודה דורשין ו"ו

(Synhed. 17, 51; Temura 2.)

רב סבר מקרא נרדש לפניו ולא לפני פניו ורבי יוחנן

אמר מקרא נדרש לפניו ולפני פניו (Chulin 118.)

ר' יונתן סבירא אין דורשין תחלות ורבי יאשיה אומר

דורשין (8ynhed. 3.)

ורבי אליעזר מלתא דאתיא מקל וחומר טרח לה קרא

ורמי יהושע כל היכא דאיכא למדרש דרשינן

(Pesach. 71; Kid. 4; (Chulin 118.)

אין מוקדם ומאוחר בתורה (M. Tanchuma, Terumah.)

## VII.—צדדין

מכדי תרין כללא ופרטא ותריין פרטי וכללא כעין

פרטא דיינינן מאי איכא ביני וביני איכא דאילו

תרתין כללי ופרטא אי איכא פרטא דדמי ליה

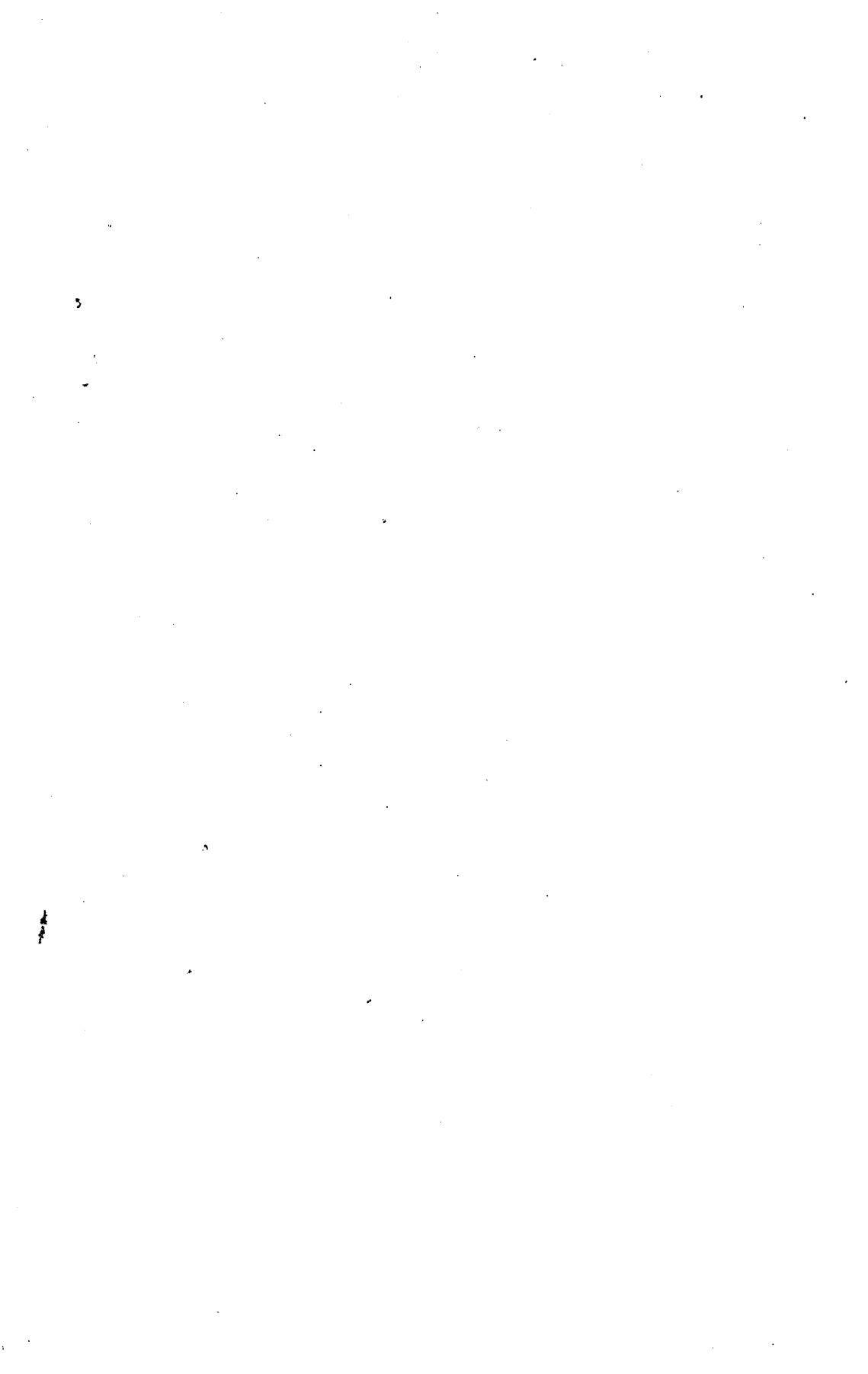
אשילו בחד צד מרבנן תרי פרטי וכללא אי איכא

פרטא דדמי משני צדדין מרבנן בחד צד לא

מרבנן (Nosir 35; Erubin 28.)

צד השוה, צד תמור, צד משונה, צד הקל

(Kesuboth 32; Kidu 78.)



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